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S-77-86	AN ORDINANCE approving Civil City Purchase Order #47462, with the Ream-Steckbeck Paint Company, for the Community Development and Planning Department of the City of Fort Wayne, Indiana	918
S-78-86	AN ORDINANCE approving the awarding of Reference #1246, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and The Unifrom House, Inc., and Ray O'Herron Co., Inc., respectively, for the Fort Wayne Police Department	919
S-79-86	AN ORDINANCE approving Civil City Purchase Order #47447, with the Treaty Company, for the Street Engineering Department through the Board of Public Works and Safety, of the City of Fort Wayne, Indiana	920
R-40-86	A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 120-128 and 150-168 East Collins Drive, Fort Wayne, Indiana (Beld-Collins Petitioner)	921
R-41-86	A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 710 Ley Road, Fort Wayne, Indiana. (All Phase Real Estate Company, Petitioner)	923
R-42-86	A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as Cook Road -- Office and Industrial Park, Fort Wayne, Indiana (Mark P. Shambaugh, Petitioner)	925
R-43-86	A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2905 Reynolds Street, Fort Wayne, Indiana 46803 (Home Guard Industries, Inc., Petitioner)	927
Z-04-86	AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-3	928
Z-05-86	AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14	929
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S-80-86	AN ORDINANCE approving Change Order No. 1 and FINAL for RES. 416-85, Paulding Road-Decatur Road Point Repairs, with Land Excavating, Inc., in connection with the Board of Public Works and Safety, of the City of Fort Wayne, Indiana	931
S-81-86	AN ORDINANCE approving Contract for Res. #6062-86, Michigan Avenue '86 Curbs and Walks, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Hipskind Concrete, Inc.	932
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S-86-86	AN ORDINANCE approving the Contract for Res. #6039-86 - Hoagland-Masterson NPI '86, Curbs and Walks, Drive Approaches and Lighting by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and M.A. Gaines Construction Company	937
S-87-86	AN ORDINANCE approving City Utilities Purchase Order #53272, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Double Envelope Corporation for the Office Services Department	938
S-88-86	AN ORDINANCE approving Change Order #2, for Contract 84-W-2, Northwest Pump Station, Div. II, with Indiana Construction Corporation, in connection with the Board of Public Works and Safety, of the City of Fort Wayne, Indiana	939

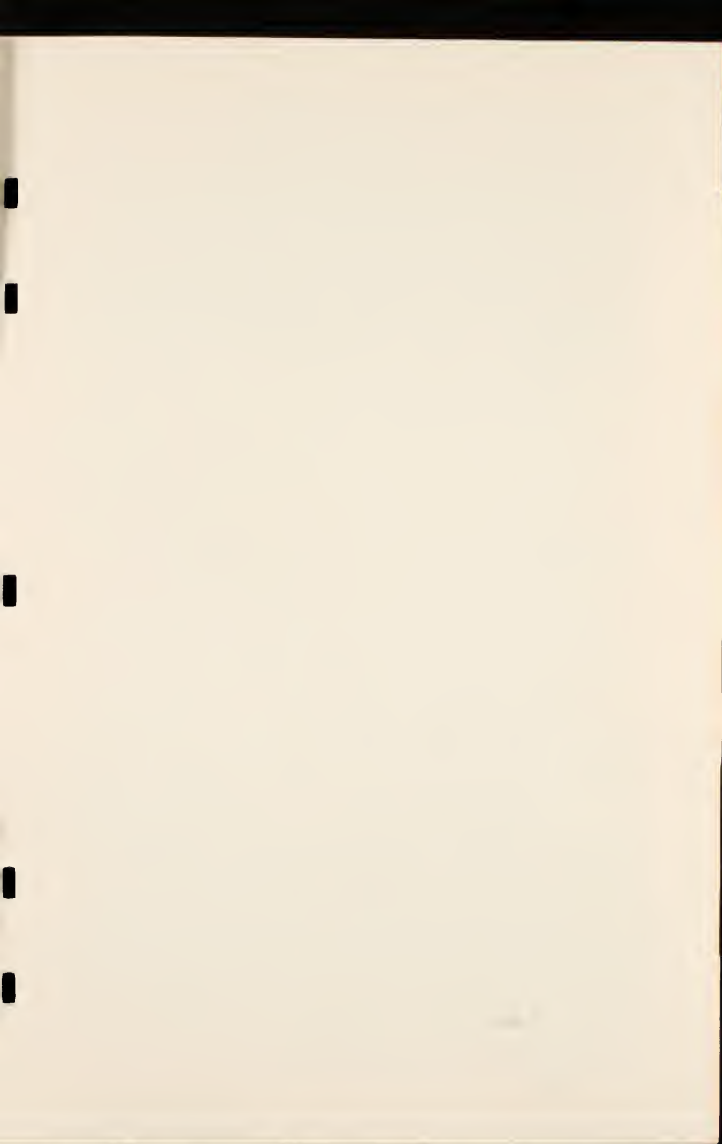
S-89-86	AN ORDINANCE approving Change Order No. 2, Contract 85-W-2, Southwest Pump Station, with The Robert Henry Corporation, in connection with the Board of Public Works and Safety, of the City of Fort Wayne, Indiana	940
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S-91-86	AN ORDINANCE approving the Contract for Res. #420-86, Phase II, Miami Village Apartments Storm Sewer Improvement, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Land Excavating, Inc.	942
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R-45-86	A RESOLUTION authorizing the City of Fort Wayne, Indiana, to enter into a Fire Protection Contract with Zollner Corporation	950
R-46-86	A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana ratifying parking rates utilized by the City of Fort Wayne	951
R-47-86	A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as Cook Road -- Office and Industrial Park, Fort Wayne, Indiana. (Mark P. Shambaugh, Petitioner)	952
R-48-86	A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2905 Reynolds Street, Fort Wayne, Indiana 46803 (Home Guard Industries, Inc., Petitioner)	954
R-49-86	A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, authorizing the filing of an application with the United States Department of Commerce (Economic Development Administration) for the Tokheim Corporation Public Works and Development Grant	955
R-50-86	A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4901, 4903 and 4907 Speedway Drive, Fort Wayne, Indiana 46825. (Michael E. & Rebecca A. Byerley and/or BMRR Properties Corp., Petitioner)	957
G-18-86	AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of dedicated right-of-way	959
S-94-86	AN ORDINANCE approving Contract for Res. 419-86, Prospect Avenue Storm Sewer, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety, and All Star Construction & Excavating, Inc.	960
S-95-86	AN ORDINANCE approving Contract for Res. #1033-86, McKinnie-Senate Water Water Main, by and between the City of Fort Wayne, Indiana and Tomco Construction Company, Inc., in connection with the Board of Public Works and Safety	961
S-96-86	AN ORDINANCE approving City Utilities Purchase Orders #A-53390, #A-53391, #A-53392, #A-53393 and #A-53394, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Business Equipment, Lewis & Christen Office Supply Co., Inc., Impex International, Inc., O'Reilly Office Supply Company and the Xerox Corporation, respectively, for the Office Services Department	962
S-97-86	AN ORDINANCE approving City Utilities Purchase Orders #A-45860 and #A-45890, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the BOS Sand Company and the Wedron Silica Company, respectively, for the Three Rivers Filtration Plant	963
S-98-86	AN ORDINANCE approving City Utilities Purchase Orders #A-40892 and #A-41291, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Price Bros. Company and The Treaty Company, respectively, for the Water Engineering Department	964

S-99-86	AN ORDINANCE approving Change Order No. 3 GM Elevated Storage Tank, Contract 85-W-3, with Hydrostorage, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana	965
S-100-86	AN ORDINANCE approving Change Order No. 2 for Res. 408-85, Southwest, Interceptor, Phase II, with Bercot, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana	966
S-101-86	AN ORDINANCE approving Contract for Res. 896-85, McKinnie Avenue - Senate Avenue Sanitary Sewer, by and between the City of Fort Wayne, Indiana and All Star Construction & Excavating, Inc., in connection with the Board of Public Works and Safety	967
S-102-86	AN ORDINANCE approving West Jefferson Blvd. Water Main Extension - Contract 86-XP-2, by and between the City of Fort Wayne, Indiana and All Star Construction & Excavating, Inc., in connection with the Board of Public Works and Safety	968
S-103-86	AN ORDINANCE approving Water Contract 86-XP-1, Hoagland Avenue Feeder Main, by and between the City of Fort Wayne, Indiana and Land Excavating, Inc., in connection with the Board of Public Works and Safety	969
G-19-86	AN ORDINANCE AMENDING GENERAL ORDINANCE NO. G-16-86 AND CHAPTER 24 OF THE FORT WAYNE MUNICIPAL CODE ENTITLED "SEWERS AND SEWERAGE SYSTEM" FOR THE PURPOSE OF AMENDING SECTION 24-33-1 BY ADJUSTING THE RATES PROVIDED FOR THEREIN	970
R-44-86	A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana commending the South Side High School Girl's Track Team for winning the 1986 Indiana State Championship	971
<hr/>		
6-24-86		
A-02-86	AN ORDINANCE appropriating monies from the unappropriated and unobligated balance in the Cable TV Fund to an account in the 1986 budget of the Cable TV Fund to provide further public use of the local Cable TV System	973
S-104-86	AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BOND, SERIES 1986 "(MARK P. SHAMBAUGH PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO	974
S-105-86	AN ORDINANCE concerning the refunding of an indebtedness of the municipal waterworks incurred for the acquisition and construction of water facilities by the municipal waterworks of the City of Fort Wayne, the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue notes to provide for the cost thereof, matters connected therewith and repealing ordinances in conflict therewith	977
S-106-86	AN ORDINANCE concerning the issuance of revenue refunding bonds of the City of Fort Wayne, Indiana, in an original principal amount not to exceed \$4,262,865.05 with respect to bond income growth securities and not to exceed \$17,575,297.00 with respect to capital appreciation bonds, together aggregating an original principal amount not to exceed \$21,838,162.05 to provide for the refunding of revenue bonds which were issued to provide for the cost of the construction of additions and improvements to the water works of the City of Fort Wayne, the collection, segregation and distribution of the revenues of said works the safeguarding of the interest of the holders of said revenue refunding bonds, and other matters connected therewith and repealing ordinances inconsistent therewith	978
R-51-86	A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4901, 4903, and 4907 Speedway Drive, Fort Wayne, Indiana 46825. (Michael E. & Rebecca A. Byerley and/or BMRR Properties Corp., Petitioner)	979
G-20-86	AN ORDINANCE approving the City of Fort Wayne's Five Year Capital Improvement Program and One Year Capital Budget	980
S-107-86	AN ORDINANCE approving Change Order No. 1 (FINAL) for Res. 898-85, St. Joe-St. Joe Center Road Sanitary Sewer Extension, with Land, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana	981
G-21-86	AN ORDINANCE amending General Ordinance No. G-15-86 which ordinance amended General Ordinance No. S-27-84, which ordinance amended Special Ordinance No. S-91-82, which ordinance amended General Ordinance G-27-78, and amending Chapter 31 of Municipal Code of the City of Fort Wayne, Indiana establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith	982



X-03-86	ANNEXATION ORDINANCE annexing certain territory commonly known as the Lincoln Village Area to the City of Fort Wayne, Indiana, and including same in the Councilmanic District No. 3	985
R-52-86	A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana setting forth the policy of the City of Fort Wayne, Indiana in regard to Lincoln Village Annexation	987
S-LOST	AN ORDINANCE to provide for Collective Baragaining with respect to employees of the City of Fort Wayne, Indiana	990







## SPECIAL ORDINANCE NO. S-214-85

AN ORDINANCE fixing the compensation  
of elected officials for the City  
of Fort Wayne, Indiana, for  
the year 1986

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, is required to pass an ordinance fixing the salaries of elected officials in accordance with I.C. 36-4-7-2;

WHEREAS, this Ordinance applies to all elected officials of the City of Fort Wayne, Indiana, to-wit: The Mayor; all members of the Common Council; and the City Clerk; and

WHEREAS, any and all such raises for elected City officials (if any) should be commensurate with raises granted to other City employees generally.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following salaries are hereby fixed for the year 1986 with respect to the City's elected officials:

The Mayor	No more than a five percent (5%) increase above the 1985 maximum of \$50,000.00
Common Council Members	No more than a five percent (5%) increase above the 1985 maximum of \$8,820.00
City Clerk	No more than a five percent (5%) increase above the 1985 maximum of \$28,700.00

The five percent (5%) figure herein referenced, is not used to indicate that a raise will be granted, in the year 1986, of five percent (5%) but rather five percent (5%) is used as a maximum.

SECTION 2. This Ordinance shall be published in accordance with I.C. 5-3-1-2, et seq., with the first publication at least thirty (30) days before final passage by Common Council.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and upon due publication thereof.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage.  
PASSED by

the following vote:

AYES: Eight  
Bradbury, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: One  
Burns  
ABSENT:  
ABSTAINED:

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-214-85 on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City ClerkMark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-02

SPECIAL ORDINANCE NO. S- 215-85

AN ORDINANCE approving Change Order No. 2, Res. 6012-85, Clinton Street Parking Facility Repairs, with Brencal Contractors, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, Res. 6012-85, Clinton Street Parking Facility Repairs, with Brencal Contractors, Inc., in connection with the Board of Public Works and Safety, for:

Change Order No. 2 for Res. 6012-85, Clinton Street Parking Facility Repairs encompasses thirty-two major repair tasks. These tasks or work items were originally estimated as to their area and or length as the condition may be. The included copies of the original tabulation sheets indicate the tasks bid on, their quantities, their unit prices and the quoted extensions. The actual quantity variations and the extension variations have been added. (Extra work on one copy and credit work on another copy - earlier change order credit of \$15,000.00 to owner is included in the credit tabulation audit shown). This repair included completing removing concrete from rusted reinforcing, sand blasting the reinforcing to a bright finish, then epoxy coating reinforcing before replacing the concrete cover.

involving a net increase of Forty-One Thousand Four Hundred Nine and 73/100 Dollars (\$41,409.73), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-215-85 on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-03

SPECIAL ORDINANCE NO. S-216-85

AN ORDINANCE approving Civil City Purchase Order #A-45444 with the Traffic Signal Company, for the Traffic Engineering Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-45444, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchasing and the Traffic Signal Company, for the Traffic Engineering Department, respectfully for:

the purchase of a solid state pretimed secondary controller for the Traffic Engineering Department;

involving a total cost of Five Thousand Four Hundred Eight-Nine and No/100 Dollars (\$5,489.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Seven

Bradbury, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico

NAYS: Two

Burns, Schmidt

ABSENT: None

ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-216-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-33

SPECIAL ORDINANCE NO. S- 217-85

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE  
TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE  
BOND (GERALD E. SMITH AND MARY K. SMITH  
PROJECT) SERIES 1985" AND APPROVING  
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Gerald E. Smith and Mary K. Smith Project regarding the financing of proposed economic development facilities for the Project and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 7, 1985, and also adopted a resolution on November 7, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Gerald E. Smith and Mark K. Smith complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Building Lease, Conditional Assignment of Lease and Rentals, and Lessee's Consent and Agreement to Lease Assignment; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Gerald E. Smith and Mary K. Smith for the acquisition and construction of such facilities and the equipping thereof, and the payment of the revenue bonds by the payments of Gerald E. Smith and Mary K. Smith under the Loan Agreement, complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of acquisition of real estate and construction of an

8,000 sq. ft. building for use as office, service and storage, related to the sale and servicing of office equipment, for lease to Van Ausdall & Farrar, Inc., said project to be located on Magnavox Way, Fort Wayne, Indiana (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Building Lease, Conditional Assignment of Lease and Rentals, and Lessee's Consent and Agreement to Lease Assignment, approved by the Fort Wayne Economic Development Commission are hereby approved and each shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk in accordance with the provisions of I.C. 36-1-5-4, two (2) copies of each of said documents are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne shall issue its Economic Development Revenue Bonds (Gerald E. Smith and Mary K. Smith Project) Series 1985, in the total principal amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) and maturing January 1, 1996. Said bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Security Agreement and Trust Indenture incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by Gerald E. Smith and Mary K. Smith and payments made under the building lease or as otherwise provided for under the Loan Agreement, Mortgage and Security Agreement and Trust Indenture. The bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple of \$5,000 in excess thereof provided that the bonds may be issued in the denomination of \$5,000 or any integral multiple thereof if necessary to evidence the unredeemed portion of any bond. The bonds shall be redeemable as provided in Article V of the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States of America. Payments of principal are payable at the principal office of the Trustee or its successor in trust. Payments of interest are payable by check mailed to the registered owner as

of the Record Date as provided in the Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a price of not less than 100% of the principal amount thereof. The bonds shall bear interest at a rate of interest of 9 1/2% or at such other rate as provided for in the Trust Indenture.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City which are approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Trust Indenture, and payment for the bonds will be made to the Trustee named in the Trust Indenture and after such payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this Ordinance. The bonds shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Trust Indenture securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond (Gerald E. Smith and Mary K. Smith Project) Series 1985, and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-217-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-36 (AS AMENDED)

SPECIAL ORDINANCE NO. S-218-85

AN ORDINANCE concerning the issuance of junior revenue refunding bonds of the City of Fort Wayne, Indiana in an original principal amount of \$3,995,706.70 with respect bond income growth securities and \$14,100,568.45 with respect to capital appreciation bonds, together aggregating an original principal amount of \$18,096,275.15 to provide for the refunding of revenue bonds which were issued to provide for the cost of the construction of additions and improvements to the sewage works of the City of Fort Wayne, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interests of the holders of said junior revenue refunding bonds, and other matters connected therewith and repealing ordinances inconsistent therewith

PLEASE NOTE:

THIS ORDINANCE MAY BE REVIEWED IN THE CITY CLERK'S OFFICE



## RESOLUTION NO. R-131-85

A Resolution approving the filing of an application with the U.S. Department of Housing and Urban Development for an Urban Development Action Grant for the Tokheim Corporation

WHEREAS, the Housing and Community Development Act of 1977 authorizes the making of grants of federal funds to eligible units of local government for the purpose of carrying out urban development action projects; and

WHEREAS, the City of Fort Wayne is eligible to apply for such urban development action grants by virtue of certain conditions of distress; and

WHEREAS, the Common Council of the City Fort Wayne deems it to be necessary and in the public interest to seek federal grant funds to help alleviate the conditions of distress that affect the city; and

WHEREAS, the City of Fort Wayne, working with a local private company has proposed a project that appears to be suitable for an urban action grant;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Mayor, as the Chief Executive, acting for and on behalf of the City, is hereby authorized and directed as follows:

a. To file an application for an Urban Development Action Grant in the sum of \$500,000.00 with the U.S. Department of Housing and Urban Development, in accordance with the Department's regulations, entitled the Tokheim Corporation.

b. To serve as the authorized representative of the City of Fort Wayne in connection with the application and to provide HUD with such additional information, documentation, understandings, or assurances as may be required.

c. To execute such other documents as may be required; to execute a contract for financial assistance if such contract is offered; and to execute any amendments and revisions thereto.

d. The Mayor may delegate any or all of the foregoing duties to any subordinate officer, board or commission directly responsible to him, as he deems necessary or appropriate; provided that such designee shall function only in the Mayor's name and no contract, agreement or arrangement negotiated by him

shall be binding upon the City unless approved by the City Attorney as to form and legality, signed by the Mayor and, if it involves financial commitments by the City, ratified by the Common Council.

SECTION 2. This Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-131-85 on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-42

RESOLUTION NO. R-132-85

A RESOLUTION FINDING, DETERMINING  
AND RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION AUTHORIZING THE ISSUANCE  
AND SALE OF \$10,000,000.00 ECONOMIC  
REVENUE BONDS OF THE CITY OF  
FORT WAYNE, INDIANA FOR THE PURPOSE  
OF INDUCING THE APPLICANT TOKHEIM  
CORPORATION TO PROCEED WITH  
THE ACQUISITION CONSTRUCTION  
AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Tokheim Corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be construction of corporate and design center, renovation of engineering laboratory and office facility and acquisition of machinery, equipment, and computer systems, together with costs of issuance, located at 1600 Wabash Avenue, Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of industry and an increase in 40 new jobs to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$10,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-132-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December,  
1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-06

DECLARATORY RESOLUTION NO. R-133-85

A DECLARATORY RESOLUTION confirming the  
designation of an "Economic Revitalization  
Area" under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by  
Declaratory Resolution the following described property as an  
"Economic Revitalization Area" under Division 6, Article II,  
Chapter 2 of the Municipal Code of the City of Fort Wayne,  
Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

PHASE III

Part of Lot #3 in J. D. Parker  
Estate in the Northeast Quarter of Section  
19, Township 31 North, Range 13 East, in  
Allen County, Indiana, more particularly  
described as follows:

Beginning at the Northeast corner  
of Lot #3 in J.D. Parker Estate in the  
Northeast Quarter of Section 19, Township 31  
North, Range 13 East, Allen County, Indiana;  
thence North 90 degrees 00 minutes West along  
the North line of Lot #3, a distance of  
253.07 feet;

thence South 00 degrees 00 minutes West a  
distance of 24 feet;

thence South 90 degrees 00 minutes East a  
distance of 65 feet;

thence South 00 degrees 00 minutes West a  
distance of 110 feet;

thence South 60 degrees 00 minutes East a  
distance of 100 feet;

thence North 30 degrees 00 minutes East a  
distance of 10 feet;

thence South 90 degrees 00 minutes East a  
distance of 96.32 feet;

thence North 00 degrees 03 minutes East and  
along the East line of said Lot #3 a distance  
of 175.34 feet to the point of beginning,  
containing 0.761 acres (33,145 square feet);

said property more commonly known as 2827 Northgate Boulevard,

Fort Wayne, Indiana 46815;

WHEREAS, recommendation have been received from the  
Committee on Finance and the Department of Economic Development  
concerning said Resolution;

WHEREAS, notice of the adoption and substance of said  
Resolution has been published in accordance with I.C. 5-3-2 and a  
public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has  
already been designated an allocation area under I.C. 36-8-14-39,  
the Fort Wayne Redevelopment Commission has adopted a Resolution  
approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously  
designating the above described property as "Economic  
Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-133-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-08

#### DECLARATORY RESOLUTION NO. R-134-85

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Part of the Southwest Quarter of the Northeast Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the South line of the Southwest Quarter of the Northeast Quarter of Section 26, Township 31 North, Range 12 East, Allen County, Indiana, said point being 419.0 feet West of the SE corner of the SW1/4 of the NE1/4 of Sec. 26-31-12; thence West along the South line of the SW1/4 of the NE1/4 of Sec. 26-31-12, a distance of 187.5 feet; thence North with a deflection angle to the right of 89 degr. 57 min. 20 sec. parallel to the East line of the SW 1/4 of the NE1/4 of Sec. 26-31-12, a distance of 415.8 feet to a point on the South right-of-way line of Fernhill Avenue; thence East with a deflection angle to the right of 90 degr. 02 min. 40 sec. along the South right-of-way line of Fernhill Avenue, a distance of 187.5 feet; thence South with a deflection angel to the right of 89 degr. 57 min. 20 sec. and parallel to the East line of the SW1/4 of the NE1/4 of Sec. 26-31-12, a distance of 415.8 feet to the point of beginning, containing 1.79 acres;

said property more commonly known as Fernhill Avenue -- West of former Austin County Restaurant, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 16-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-134-85 on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City ClerkMark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-10

DECLARATORY RESOLUTION NO. R- 135-85

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Part of the Southwest Quarter of Section 28, together with part of the Southeast Quarter of Section 29, all in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to-wit: Commencing at the Northwest corner of the Southwest Quarter of said Section 28; thence South 00 degrees 00 minutes West (assumed bearing and is used as the basis for the bearings in this description) on and along the West line of said Southwest Quarter, a distance of 1630.0 feet to a point on the South line of Block Number 4 in Spy Run Industrial Park, Section 1, as recorded in Plat Record 36, page 35, in the Office of the Recorder of Allen County, Indiana, said point being the true point of beginning; thence South 88 degrees 13 minutes East, on and along the South line of said Block Number 4, a distance of 424.55 feet to the centerline of Fairfield Ditch; thence South 18 degrees 51 minutes West, on and along said ditch centerline, 85.4 feet; thence South 01 degrees 35 minutes West, continuing along said ditch centerline, 168.2 feet; thence North 88 degrees 13 minutes West and parallel to said South line, 473.1 feet to the centerline of Ardmore Avenue; thence North 00 degrees 00 minutes East, on and along said Ardmore Avenue centerline and parallel to the West line of said Southwest Quarter, 250.0 feet to the Westerly projection of the South line of said Block Number 4; thence South 88 degrees 13 minutes East, on and along said Westerly projection and said South line, 80.75 feet to the true point of beginning, containing 2.757 acres of land;

said property more commonly known as 7011 Ardmore Avenue, Fort Wayne, Indiana 46809;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5--3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-135-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-12

DECLARATORY RESOLUTION NO. R-136-85

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Proposed Lot 27 of Centennial Industrial Park in Section 5 (200' x 225'), Washington Township, Allen County, Fort Wayne, Indiana;

said property more commonly known as Lot 27, Centennial Industrial Park, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;



WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-136-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-14

DECLARATORY RESOLUTION NO. R- 137-85

A DECLARATORY confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

Lot 84 - Congressional Parkway, Washington Township, Allen County, Fort Wayne, Indiana;

said property more commonly known as Lot 84, Congressional Parkway, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. S-137-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-27

RESOLUTION NO. R-138-85

A RESOLUTION authorizing the submission of a Final Statement of Community Development Objectives and Projected Use of Funds and the required certifications to the U.S. Department of Housing and Urban Development as required for the City of Fort Wayne to receive its 1986 Community Development Block Grant Entitlement

WHEREAS, the City of Fort Wayne has as a goal the provision of a decent and viable living environment for all of its citizens; and

WHEREAS, the City of Fort Wayne has consistently committed itself to the elimination of blight and deterioration which is present within the community and the prevention of its further spread; and

WHEREAS, under the provisions of the Housing and Community Development Act of 1980, the City of Fort Wayne is entitled to receive annual grants through the Community Development Block Grant Program; and

WHEREAS, funding under this program must be used for the promotion of viable urban communities and the prevention or elimination of blight and deterioration, primarily for the benefit of low and moderate income people; and

WHEREAS, the City of Fort Wayne has developed a community development plan and program which is consistent with the City's overall strategy for preventing the further spread and elimination of blight and deterioration; and

WHEREAS, all necessary steps have been taken by the Mayor and the Department of Community Development and Planning staff to properly complete the attached entitlement submission for 1986 (twelfth year) Community Development Block Grant funding in conformance with that strategy and plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the attached submission of Two Million Seven Hundred Thirty-Seven Thousand One Hundred and No/100 Dollars (\$2,737,100.00) in 1986 (twelfth year) CDBG Resources and the accompanying certifications be approved and forwarded to the U.S. Department of Housing and Urban Development under the signature of Mayor Winfield C. Moses, Jr.

SECTION 2. That Mayor Winfield C. Moses, Jr., in his capacity as Chief Executive Officer for the City of Fort Wayne be authorized to act on behalf of the City in consummating contractual agreements pertaining to this grant and providing additional information and documentation pertinent thereto as required.

SECTION 3. That the Common Council by its approval of this application hereby reaffirms its intent to reduce and eliminate urban blight within the City of Fort Wayne.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Eisbart, GiaQuinta, Henry, Redd, Stier,  
Talarico  
NAYS: One  
Burns  
ABSENT: None  
ABSTAINED: One  
Schmidt

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-138-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December,  
1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-30

RESOLUTION NO. R-139-85

A RESOLUTION authorizing the  
transfer of funds between certain  
accounts within the 1985 budgets of  
certain City Departments

WHEREAS, it has become necessary to transfer funds to  
certain accounts in the 1985 budgets of certain accounts of the  
respective City Departments; and

WHEREAS, adequate funds exist in certain accounts of  
the respective City Departments; and

WHEREAS, such transfers have been recommended by the  
City Controller.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Controller of the City of Fort  
Wayne, Indiana, is hereby authorized to transfer the following  
stipulated sums with the 1985 budgets of the following listed  
City Departments:

COMMUNITY DEVELOPMENT & PLANNING

Increase:

4299	Materials	\$ 2,500.00
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Decrease:

4374	Equipment Rent	\$ 2,500.00
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REVENUE SHARING

Increase:

4399	Contractual Services	\$186,000.00
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Decrease:

4111	Salaries	\$ 20,000.00
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4134	Health Insurance	\$166,000.00
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TOTAL		\$186,000.00
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SECTION 2. That this Resolution shall be in full  
force and after its passage and any and all necessary approval by

the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart,  
seconded by Stier, and duly adopted placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Resolution No. R-139-85 on the 26th day  
of November, 1985.

ATTEST:

(SEAL)

575

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-34

RESOLUTION NO. R-140-85

A RESOLUTION FINDING, DETERMINING AND  
RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION AUTHORIZING THE ISSUANCE AND SALE  
OF \$10,000,000.00 ECONOMIC REVENUE BONDS  
OF THE CITY OF FORT WAYNE, INDIANA  
FOR THE PURPOSE OF INDUCING THE APPLICANT  
THE COURTYARDS ASSOCIATES, A PARTNERSHIP  
TO PROCEED WITH THE ACQUISITION  
CONSTRUCTION AND EQUIPPING  
OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of aid facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, The Courtyards Associates, a Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition and construction of a specialty retail center and an office complex including furniture, fixtures and equipment and costs of issuance located generally in the eastern half of the block bounded by Wayne, Calhoun, Washington and Harrison Streets in the City of Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of industry and an increase in 338 jobs to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF

THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$10,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage.  
PASSED by the following vote:

AYES: Seven

Bradbury, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Talarico

NAYS: Two

Burns, Stier

ABSENT: None

ABSTAINED: None

Date: 11-26-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-140-85 on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

DECLARATORY RESOLUTION NO. R-141-85

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area"  
under I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated November 12, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Parcel C, Block #13, Interstate  
Industrial Park, Fort Wayne,  
Indiana;

said property more commonly known as SEC Newagyo Road and Production Road, Interstate Industrial Park, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area"
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-141-85 on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-56

DECLARATORY RESOLUTION NO. R-142-85

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area"  
under I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated November 8, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

the West 40 feet of Lot #482 of  
Hanna Addition to the City of Fort  
Wayne, County of Allen, State of  
Indiana;

said property more commonly known as Southeast corner of Wayne and Harrison Streets, Fort Wayne, Indiana 46802;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an

"Economic Revitalization Area" for public hearing;



- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-142-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-58

DECLARATORY RESOLUTION NO. R-144-85

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area"  
under I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated November 18, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1984, as amended and I.C. 6-1.1-12.1, to-wit:

Part of Block 34, Interstate Industrial Park,  
Section "H", an Addition to the City of Fort  
Wayne, Indiana, more particularly described  
as follows, to-wit:

Beginning on the North line of said Block 34 at a point situated 300.0 feet North 90 degrees 00 minutes West (deed bearing) from the Northeast corner of said Block 34; thence North 90 degrees 00 minutes West, on and along said North line, being also the South right-of-way line of Research Drive, a distance of 229.3 feet; thence South 00 degrees 00 minutes West and parallel to the East line of said Block 34, a distance of 400.0 feet to a point on the South line of said Block 34; thence South 90 degrees 00 minutes East, on and along said South line, a distance of 229.3 feet; thence North 00 degrees 00 minutes East and parallel to the East line of said Block 34, a distance of 400.0 feet to the point of beginning.

said property more commonly known as Research Drive, Interstate Industrial Park, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effect date of the Confirming Resolution referred to in Section 3 of

this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution;

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85

Sandra E. Kennedy  
City Clerk

581

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-144-85 on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-60

DECLARATORY RESOLUTION NO. R-145-85

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area"  
under I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition date November 18, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Lot Number 95 of the Original Plat to the  
Town, now City of Fort Wayne, Allen County,  
Indiana;

said property more commonly known as 215 East Berry Street, Fort Wayne, Indiana 46802;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;

- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-145-85 on the 26th day of November, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-07-22

GENERAL ORDINANCE NO. G-27-85

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a portion of a street

WHEREAS, a petition to vacate a portion of a dedicated street within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission and

WHEREAS, said Commission duly held a public hearing thereon; and this body approving said petition, all in accordance with I.C. 36-7-4-512(2); and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a portion of a dedicated street within the City of Fort Wayne, more specifically described as follows, to-wit:

That portion of Warren Street running South from Pennsylvania Street to the South line of vacated McDonald Street, also being the North line of the Wabash Railroad right-of-way

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None

ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-27-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-10-18

GENERAL ORDINANCE NO. G-28-85

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of a street

WHEREAS, a petition to vacate a portion of a public street within the City of Fort Wayne (as more specifically described below) was duly filed with the City Plan Commission; and,

WHEREAS, said Commission duly held a public hearing thereon; and,

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a public alley within the City of Fort Wayne, more specifically described as follows, to-wit:

Yale Drive lying west of the west right-of-way line of Stanford Avenue and between Lots #261 and #262 in Cambridge Hills Addition as recorded in Plat Book 13, page 61 in the Office of the Recorder of Allen County, Indiana

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-28-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-11-15

GENERAL ORDINANCE NO. G-29-85

AN ORDINANCE amending Chapter 17 of the  
Municipal Code of the City of  
Fort Wayne, Indiana of 1974, entitled  
"Traffic Code"

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following Schedules and Sections of Chapter 17 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, are hereby amended as follows:

A. Schedule 1A, Section 21(b), as referred to "Authorization of Traffic Signals", by deleting the following:

TRAFFIC SIGNAL

College Street and Wall Street  
Berry Street and Coombs Street  
1600 Fairfield Avenue General Electric Company  
Parking Lot Access

B. Schedule 2, Section 39, "Increasing State Speed Limits in Certain Zones", by adding thereto the following:

SPEED LIMIT 45LOCATIONFROMTO

Jefferson Boulevard 150' West of  
Ardmore Ave. a point 100' East  
of Washington Blvd.

C. Schedule 2, Section 39, "Increasing State Speed Limits in Certain Zones", by deleting the following:

DELETE:SPEED LIMIT 45LOCATIONFROMTO

Jefferson Blvd. 150' West of  
Ardmore Ave. a point 100' East  
of Swinney Park  
Place

D. Schedule 5, Section 49, "Intersections Where Stop Required", by adding thereto the following:

STOP INTERSECTIONLOCATION

Cass Street--stop--for Jacobs Avenue  
Turpie--stop--for Drexel Avenue  
Fairfax Avenue--stop--for Plaza Drive  
Wall Street--stop--for College Street  
Kiwamis Drive--stop--for Monument Drive  
Monument Drive--stop--for Neighbor Drive  
Drexel Avenue--stop--for Euclid Avenue  
Coombs Street--stop--for Berry Street

E. Schedule 5, Section 49, "Intersections Where Stop Required", by deleting the following:

DELETE:STOP INTERSECTIONLOCATION

Drexel Avenue--stop--for Turpie Street

F. Schedule 7, Section 90, "Parking Prohibited At All Times on Certain Streets", by adding thereto the following:

NO PARKING

<u>LOCATION</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
West Jefferson Blvd.	S/S	Main Street	Manufactures Avenue
Plaza Drive	B/S	McKinnie Avenue	205' north thereof
Monroe Street	E/S	Oxford Street	170' north thereof
Masterson Avenue	N/S	Clinton Street	235' west thereof
Upper Huntington Road	B/S	Covington Road	Wilkie Drive

G. Schedule 7, Section 90, "Parking Prohibited At All Times on Certain Streets", by deleting the following:

DELETE:NO PARKING

<u>LOCATION</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Pontiac Street	S/S	50' east of the east R/W line of Redwood Avenue	200' west thereof
Calhoun Street	E/S	110' south of Jefferson Blvd.	Lewis Street
Calhoun Street	E/S	50' south of Lewis Street	Douglas Street

H. Schedule 8, Section 90, "Parking Prohibited During Certain Hours on Certain Streets", by adding thereto the following:

NO PARKING 3 A.M. TO 6 P.M.

LOCATION	SIDE	FROM	TO
Calhoun Street	E/S	110' south of Jefferson Blvd.	Lewis Street
Calhoun Street	E/S	50' south of Lewis Street	Douglas Street

I. Schedule 11, Section 93(b), "Parking Time Limited On Certain Streets" - 90 Minute Parking 8 A.M. to 6 P.M. by adding thereto the following:

90 MINUTE PARKING 8 A.M. TO 6 P.M.

LOCATION	SIDE	FROM	TO
Fifth Street	S/S	Harrison Street	130' west thereof

J. Schedule 11, Section 93(b), "Parking Time Limited On Certain Streets" - 90 Minute Parking 8 A.M. to 6 P.M. by deleting the following:

DELETE:

90 MINUTE PARKING 8 A.M. TO 6 P.M.

LOCATION	SIDE	FROM	TO
Forest Avenue	S/S	Pemberton Drive	135' west thereof

K. Schedule 12, Section 93(c) "Parking Time Limited On Certain Streets" - Two Hour Parking 8:00 A.M. to 6:00 P.M. by deleting the following:

DELETE:

2 HOUR PARKING 8 A.M. TO 6 P.M.

LOCATION	FROM	TO
City-County Parking Lot	405' north of Main Street	20' north thereof
--and--	230' east of Calhoun Street	120' east thereof

L. Schedule 14, Section 93(e), "Parking Time Limited On Certain Streets" - 30 Minute Parking 8:00 A.M. to 6:00 P.M. by adding thereto the following:

30 MINUTE PARKING 8 A.M. TO 6 P.M.

LOCATION	SIDE	FROM	TO
Pontiac Street	S/S	50' east of the east right-of-way Redwood Avenue	200 west

M. Schedule 20, Section 93(f), "Parking Time Limited On Certain Streets" - 15 Minute Parking 8:00 A.M. to 6:00 P.M. by adding thereto the following:

15 MINUTE PARKING 8 A.M. TO 6 P.M.

LOCATION	FROM	TO
City-County Parking Lot	405' north of Main Street	20' north thereof
---and---	230' east of Calhoun Street	120' east thereof

N. Schedule 26, "Parking Permitted In No Parking Zone During Certain Hours - Church Services", by adding thereto the following:

PARKING PERMITTED IN NO PARKING ZONE (CHURCH ORDINANCE)

LOCATION	SIDE	FROM	TO
Maurane Drive	N/S	Getz Road	the eastern terminus on Sundays & other special seasonal services & events from 8:30 A.M. to 12:30 P.M.



Monroe Street                      E/S                      Washington Blvd.                      Wayne Street

O. Schedule 27, Section 5 (a), "Impaired Mobility Parking Commercial", by adding thereto the following:

IMPAIRED MOBILITY PARKING (COMMERCIAL)

LOCATION	FROM
Riverview Terrace Apts. 1823 Griswold Drive	165' west of the west edge line of Griswold Drive in the first alley north of Lawton Place
Villa Capri Apts.	520' east of the east edge line of Anthony Boulevard and 100' north of the north edge line of Fox Point Trail

P. Schedule 28, Section 5 (b), "Impaired Mobility

Parking Residential", by adding thereto the following:

IMPAIRED MOBILITY PARKING (RESIDENTIAL)

LOCATION	SIDE	FROM	TO
1017 Herman Street	S/S	175' east of St. Mary's Avenue	20' east thereof
805 Kinsmoor Ave.	S/S	215' east of Indiana Avenue	20' east thereof
626 West DeWald St.	S/S	50' east of Oakley Street	20' east thereof

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85                      Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-29-85 on the 26th day of November, 1985.

ATTEST:    (SEAL)

Sandra E. Kennedy                      Mark E. GiaQuinta  
City Clerk                      Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-85-06-35

ZONING MAP ORDINANCE NO. Z-14-85

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. F-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Professional Office District) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of LaGro Reserve in Township North, Range 12 East, Allen County Indiana, more particularly described as follows, to-wit:

Commencing at the point of intersection of the West line of said LaGro Reserve with the North line of Section 8, in said Township and Range; thence East, on and along said North line, being defined by the centerline of Illinois Road (formerly State Road #14), a distance of 451.44 feet; thence southerly, by a deflection angle right of 90 degrees 08 minutes and parallel to the West line of said LaGro Reserve, a distance of 70.0 feet to a point on the South right-of-way line of said Illinois Road as granted to the State of Indiana in Deed Record 668, pages 326 and 327 in the Office of the Recorder of Allen County, Indiana, said point being the true point of beginning; thence Southerly, continuing parallel to said West line, a distance of 385.0 feet to a point on the North line of a tract of land conveyed to Bruce A. Ewing and Carolyn K. Ewing by deed dated October 23, 1963 and recorded in Deed Record 633, page 1215 in the Office of said Recorder; thence Westerly, by an interior angle of 90 degrees 16 minutes, on and along the North line of said Ewing Tract, now platted as Terrace Estates Addition, a distance of 351.44 feet to a point situated 100 feet East of the West line of said LaGro Reserve; thence Northerly, by an interior angle of 89 degrees 44 minutes and parallel to said West line, a distance of 265.8 feet to a point situated 190.0 feet South of the North line of said Section 8; thence East, by an interior angle of 90 degrees 08 minutes and parallel to said North line, a distance

of 215.44 feet; thence Northerly and parallel to said West line, a distance of 120.0 feet to a point on the aforesaid south right-of-way line of Illinois Road; thence East, on and along said South right-of-way line, being 70.0 feet South of and parallel to the North line of said Section 8, a distance of 136.0 feet to the true point of beginning, containing 2.516 acres of land, subject to all easements of record,

and the symbols of the City of Fort Wayne Zoning Map No. F-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Stier, seconded by Talarico, and duly adopted placed on its passage.  
PASSED by the following vote:

AYES: Six  
Burns, Henry, Redd, Schmidt, Talarico  
Eisbart  
NAYS: Three  
Bradbury, GiaQuinta, Stier  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map No. Z-14-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-85-06-37

ZONING MAP ORDINANCE NO. Z-15-85

AN ORDINANCE amending the City  
of Fort Wayne Zoning Map No. E-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Commencing at a point on the north line of the Northeast quarter of Section 7, Township 30 North, Range 12 East on the centerline of the Illinois Road, 1,449 feet East of the Northwest corner of said quarter section; thence South a distance of 2,714 feet to a point in the South line of said quarter section, which point is 1,441.8 feet East of the Southwest corner of said quarter section; thence East on the South line of said quarter section 252  $\frac{1}{3}$  feet; thence North to a point in the center of the Illinois Road 252  $\frac{1}{3}$  feet East of the place of beginning; thence West on the centerline of said Illinois Road 252  $\frac{1}{3}$  feet to the place of beginning.

Excepting therefrom, that part conveyed to the State of Indiana by Deed Record 668, pages 458-459, for right of way purposes, as more particularly described as follows:

The South 75 feet of the North 75 feet of the following described real estate: Commencing at a point on the North line of the Northeast quarter of Section 7, Township 30 North, Range 12 East on the centerline of the Illinois Road, 1,449 feet East of the Northwest corner of said quarter section; thence South a distance of 2,714 feet to a point in the south line of said quarter section, which point is 1,441.8 feet East of the Southwest corner of said quarter section; thence East on the South line of said quarter section 252  $\frac{1}{3}$  feet; thence North to a point in the center of the Illinois Road 252  $\frac{1}{3}$  feet East of the place of beginning; thence West on the centerline of said Illinois Road 252  $\frac{1}{3}$  feet to the place of

beginning, said South 35 feet of said North 75 feet contains 0.203 acres, more or less, and lies south of and adjoining to the existing South boundary of State Road #14.

The East 20 rods of the following described tract, viz: Commencing at the intersection of the centerline of the Illinois and Getz Road at the Northwest corner of the Range 12 East; thence East along the centerline of the Illinois Road, 1,449 feet to a point on the north line of the Northeast Quarter of said Section, Township and Range; thence South 2338.5 feet to a point 375.5 feet North of the South line of the Northeast Quarter of said Section, Township and Range; thence West and parallel to the South line of said Quarter Section, 1,441.8 feet to a point in the centerline of the Getz Road at the point 375.5 feet North of the Southwest corner of the Northeast Quarter of Section 7, Township 30 North of Range 12 East; thence North 2,316.8 feet along the centerline of the Getz Road, to the place of beginning.

Excepting therefrom, that part conveyed to the State of Indiana by Deed Record 668, pages 207-208, for right of way purposes, as more particularly described as follows:

The South 35 feet of the North 75 feet of the following described real estate: The East 20 rods of the following described tract of land: Commencing at the intersection of the centerline of the Illinois and Getz Road at the Northwest corner of the Northeast Quarter of Section 7, Township 30 North of Range 12 East; thence East along the centerline of the Illinois Road 1,449 feet to a point on the North line of the Northeast quarter of said Section, Township and Range; thence South 2,338.5 feet to a point 375.5 feet North of the South line of the Northeast quarter of said Section, Township and Range; thence West and parallel to the South line of said quarter section 1,441.8 feet to a point in the centerline of the Getz Road to a point 375.5 feet North of the Southwest corner of the Northeast quarter of Section 7, Township 30 North of Range 12 East; thence North 2,316.8 feet along the centerline of the Getz Road to the place of beginning, said South 35 feet of said North 75 feet contains 0.265

acres, more or less, and lies South of and adjoining to the existing south boundary of State Road #14,

and the symbols of the City of Fort Wayne Zoning Map No. #3, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Gurns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-15-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-85-10-15

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of  
Fort Wayne Zoning Mpa No. M-22

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the City of Fort Wayne, Indiana of 1974:

Lot #2 and #3 and half of vacated alley  
in Irvington Park Addition, Block 2,

and the symbols of the City of Fort Wayne Zoning Map No. M-22, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted placed on its passage. LOST by the following vote:

AYES: None  
NAYS: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

BILL NO. R-85-11-32

RESOLUTION NO. R- 143-85

A RESOLUTION urging Indiana Senators Lugar and Quayle to vote favorably on Senate Bill No. 635, also known as the "Anti-Apartheid Act of 1985"

WHEREAS, the policy and practices of apartheid deliberately separates millions of South African workers from their families; and

WHEREAS, the policies and practices of apartheid in South Africa denies meaningful democratic participation in the political process for the majority of the population; and

WHEREAS, the policies and practices of apartheid in South Africa consigns the mass of the South African citizenry to lives of economic and educational deprivation; and

WHEREAS, the policies and practices of apartheid in South Africa denies black citizens of South Africa the right to travel within the boundaries of their own country; and

WHEREAS, the policies and practices of apartheid in South Africa permits the government to confiscate private property legally owned by black South Africans; and

WHEREAS, the policy and practice of apartheid is repugnant to the moral and political values of democratic and free societies, and runs counter to the policy of the United States which promotes democratic governments throughout the world and its respect for human rights;

NOW THEREFORE, BE IT RESOLVED: THE COMMON COUNCIL OF THE CITY OF FORT WAYNE INDIANA urges Indiana Senators Lugar and Quayle to vote in support of Senate Bill No. 635, also known as the "Anti-Apartheid Act of 1985", a bill expressing the opposition of the United States to the system of apartheid in South Africa.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Stier, Talarico  
NAYS: None  
ABSENT: None

ABSTAINED: One  
Schmidt

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-143-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-17

SPECIAL ORDINANCE NO. S-219-85

AN ORDINANCE approving City Utilities Purchase Orders #A-59141 and #A-51942, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Marblehead Lime Company and Mississippi Lime Company, respectively, for the Three Rivers Filtration Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders #A-51941 and #A-51942, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the Marblehead Lime Company and Mississippi Lime Company, respectively, for the Three Rivers Filtration Plant, respectfully for:

the purchase of Lime with respect to the 1986 Lime requirements for the Three Rivers Filtration Plant per the specifications in Reference #760;

involving a total cost of Five Hundred Eighty Thousand Seven Hundred Eighty-Seven and 50/100 Dollars (\$580,787.50) - (Marblehead Lime, \$291,100.00; Mississippi Lime, \$294,687.50), all as more particularly set forth in said Purchase Orders and Reference #760, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-219-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-18

SPECIAL ORDINANCE NO. S-220-85

AN ORDINANCE approving Change Order  
No. 1, Water Contract 85-W-3, GM  
Elevated Tank, with Hydrostorage,  
Inc., in connection with the  
Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, Water Contract 85-W-3, GM Elevated Tank, with Hydrostorage, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #1, Water Contract 85-W-3, GM Elevated Tank, is necessary because of the following: Item 1: "Eliminate Logo & Signs - Painting" - General Motors Corp. requested, by letter dated 3/11/85, that the logo be eliminated. Item 2: "Revise Overhead Door Size" - The plans had proposed a 10' x 10' overhead door located at the base of the tank fluted column. A representative of the City indicated on 3/11/85 that the overhead door size should be revised to 12' x 14'. Item 3: "Seal Weld Stiffeners and Plate Seams Interior Tank Roof" - This change is recommended to reduce the possibility of corrosion on the interior portion of the tank roof. Item 4: "Eliminate Construction Trailer" - This item was discussed at the preconstruction meeting on 4/11/85. A letter from the City dated 4/23/85 eliminated the requirement for a construction trailer. Item 5: "Revised Electrical Handhole Location" - After bids were accepted GM notified the City that the proposed manhole location had changed;

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

involving a net increase of Twenty Thousand Six Hundred Ten and No/100 Dollars (\$20,610.00), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-220-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-19

SPECIAL ORDINANCE NO. S-221-85

AN ORDINANCE approving Change Order #1 (FINAL) for Res. 406-84, Lincolndale Addition Sanitary Sewer Extension, with All Star Construction & Excavating, Inc., in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 (FINAL) for Res. 406-84, Lincolndale Addition Sanitary Sewer Extension, with All Star Construction & Excavating, Inc., in connection with the Board of Public Works and Safety, for:

a close out change order which reflects the measured final field quantities. Due to unsuitable subsoil conditions, it was determined during construction that "Base Stabilization" was required and thus the special backfill quantities were increased. Also, the chip and seal streets within the project was increased to a more adequate width. Furthermore, for the storm portion of the project, it was field determined that inlet structures and additional piping were required;



involving a net increase of Twenty-One Thousand Five Hundred Ninety-Eight and 19/100 Dollars (\$21,598.19), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS:None  
ABSENT:None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-221-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-20

SPECIAL ORDINANCE NO. S-222-85

AN ORDINANCE approving City Utilities  
Purchase Order #A-51987, by the City of  
Fort Wayne, Indiana, by and through its Department  
of Purchasing and NIPSCO for the  
City Utilities Garage

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order  
#A-51987, between the City of Fort Wayne, by and through its City  
Utilities and the Department of Purchasing, and NIPSCO, for the  
City Utilities Garage, respectfully for:

the conversion of 25 City vehicles to  
compressed natural gas for the City Utilities  
Garage;

involving a total cost of Twenty-Five Thousand and No/100 Dollars (\$25,000.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-222-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-21

SPECIAL ORDINANCE NO. S-223-85

AN ORDINANCE approving Change Order No. 1 for Res. 6033-85, Emergency Resolution, Tree Removal for Dikes, with Mudrack Tree Services, in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for Res. 6033-85, Emergency Resolution, Tree Removal for Dikes, with Mudrack Tree Services, in connection with the Board of Public Works and Safety, for:

Change Order No. 1 for Res. 6033-85, Emergency Resolution, Tree Removal for Dikes, is necessary because under Public Law 84-99, the Army Corps. of Engineers is working on the Dikes in the City of Fort Wayne and it is the responsibility of the City to remove the trees from the dikes. The Corp. increased the area from the original plans, thus increasing the tree count. Also, the Corp. requested that the woody vegetation be removed from the Rip-Rap on Mechanic Street;

involving a net increase of Five Thousand Five Hundred Twenty and No/100 Dollars (\$5,520.00), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None

ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-223-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-22

SPECIAL ORDINANCE NO. S-224-85

AN ORDINANCE approving Change Order No. 1 for Res. 408-85, Phase I, Southwest Interceptor, with Scheidleman Excavating, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for Res. 408-85, Phase I, Southwest Interceptor, with Scheidleman Excavating, Inc., in connection with the Board of Public Works and Safety, for:

Change Order No. 1 for Res. 408-85, Phase I, Southwest Interceptor is necessary because quantities shown reflect actual quantities used in construction based on final measurements. Increases in items numbered 7A and 8A were caused by adverse soil conditions. Item 14A is added due to two abandoned bridge abutments encountered at Ardmore and Lower Huntington Roads which were not known to exist and therefore not included in the original contract;

involving a net increase of Twenty-Two Thousand Sixty-Six and 98/100 Dollars (\$22,066.98), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GlaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None

ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-224-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GlaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-23

SPECIAL ORDINANCE NO. S-225-85

AN ORDINANCE approving City Utilities Purchase #A-51932, #A-51933, #A-51934, #A-51935, #A-51936, #A-51937, #A-51938 and #A-51939, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Husky Industries, Allied Chemical, Tennessee Chemical, HVC Chemical, Lucier Chemical, Liquid Carbonic Corporation, Hamler Industries and Ulrich Chemical for the Three Rivers Filtration Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders #A-51932, #A-51933, #A-51934, #A-51935, #A-51936, #A-51937, #A-51938 and #A-51939, between the City of Fort Wayne by and through its City Utilities and the Department of Purchasing, and Husky Industries, Allied Chemical, Tennessee Chemical, HVC Chemical, Lucier Chemical, Liquid Carbonic Corporation, Hamler Industries and Ulrich Chemical, for the Three Rivers Filtration Plant, respectfully for:

the purchase of the 1986 chemical requirements for the Three Rivers Filtration Plant per the specifications in Reference #758;

involving a total cost of Five Hundred One Thousand Five Hundred Forty-Two and 30/100 Dollars (\$501,542.30) - Husky Industries, \$198,055.00; Allied Chemical, \$29,382.00; Tennessee Chemical, \$87,618.00; HVC Chemical, \$47,586.00; Lucier Chemical, \$21,210.00; Liquid Carbonic Corporation, \$90,870.00; Hamler Industries, \$4,400.00; Ulrich Chemical, \$22,421.30, all more particularly set forth in said Purchase Orders and in Reference #750, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-225-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-24

SPECIAL ORDINANCE NO. S-226-85

AN ORDINANCE approving Change Order No. 1 (FINAL) for Res. 398-84, Sluice Gate Structure for Sludge Lagoons, with Land, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 (FINAL) for Res. 398-84, Sluice Gate Structure for Sludge Lagoons, with Land, Inc., in connection with the Board of Public Works and Safety, for:

Change Order No. 1 (FINAL), for Res. 398-84, Sluice Gate Structure for Sludge Lagoons is necessary because subsurface conditions adjacent to the existing manhole caused extensive construction delays that required an installation procedure modification and structure construction changes. Removal of the upper portion of the existing manhole revealed structural damage in the section to remain in place under this contract. The repairs were made under the direction of the engineering department again dewatering operations were necessary to stabilize the ground around the structure during modification. Finally the excavating material was deemed unsuitable for backfill and the contractor was instructed to haul in suitable backfill material;

involving a net increase of One Thousand Eight Hundred Fifty and No/100 Dollars (\$1,850.00), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-226-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-10-33 (AS AMENDED) (AS AMENDED)

SPECIAL ORDINANCE NO. S-227-85

AN ORDINANCE amending Article IX of  
Chapter 17 of the Municipal Code  
entitled "Buses, Trucks and  
other Heavy Vehicles"

WHEREAS, Article IX of Chapter 17 of the Fort Wayne Municipal Code is in need of revision.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. That Article IX of Chapter 17 is hereby repealed and replaced with a new Article IX of Chapter 17 of the Municipal Code entitled "Buses, Trucks and other Heavy Vehicles", which new Article is annexed hereto.

SECTION 2. That this ordinance shall be in full force and effect on the 10th day of January, 1986, providing, it is first passed by the Common Council and receives all necessary approval by the Mayor, and is duly published prior to said effective date.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Stier, seconded by Henry, and duly adopted placed on its passage. PASSED by the following vote:

AYES: Six  
Burns, GiaQuinta, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: Three  
Bradbury, Eisbart, Stier  
ABSENT: None  
ABSTAINED: None

Date: 11-26-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-227-85 on the 26th day of November, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of November, 1985, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-37

SPECIAL ORDINANCE NO. S-228-85

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE  
TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE  
BOND (CJD PARTNERSHIP - TOOLS & ABRASIVES, INC.  
PROJECTS) SERIES A AND SERIES B 1985 AND  
APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for CJD Partnership - Tools & Abrasives, Inc., Projects regarding the financing of proposed economic development facilities for the Projects and the Fort Wayne Plan Commission has commented favorable thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 21, 1985, and also adopted a resolution on November 21, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities for CJD Partnership and Tools & Abrasives, Inc. complies with the purposes and provisions of I.C. 36-1-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Series A Loan Agreement, Series B Loan Agreement, Mortgage and Security Agreement, Trust Indenture, and Guaranty Agreements, together with Lease; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Series A and Series B Loan Agreements approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds, payment of the revenue bonds by the revenue bonds by the payments of the Series A Loan by CJD Partnership and on the Series B Loan by Tools & Abrasives, Inc., under the Series A and Series B Loan Agreements complies with the purposes and provisions of I.C. 36-1-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of acquisition of real estate and construction of a 21,000 sq. ft. building located on Lot 20 in Centennial Industrial Park, Fort Wayne, Indiana, together with the purchase

of equipment and a computer to be located on said lot and on Lot 66, Baltes and Romy's amended plat to the City of Fort Wayne and part of Lot 65, Baltes and Romy's amended plat to the City of Fort Wayne, Indiana, and 1502-1412 Oxford Street, Lots 4, 5 and 6, Oxford Place Addition, City of Fort Wayne, Indiana (the "Projects").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Series A Loan Agreement, Series B Loan Agreement, Mortgage and Security Agreement, Trust Indenture, and Guaranty Agreements, together with Lease, approved by the Fort Wayne Economic Development Commission interest are payable by check mailed to the registered owner as of the Record Date as provided in the Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a price of not less than 100% of the principal amount thereof. The bonds shall bear interest at a rate of interest of 80% of the Prime Rate as defined in the Trust Indenture or at rate as provided for in the Trust Indenture.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by and means the City seal to these documents to be executed by the City which are approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the

seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Trust Indenture, and payment for the bonds will be made to the Trustee named in the Trust Indenture and after such payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this Ordinance. The bonds shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Trust Indenture securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds (CJD Partnership - Tools & Abrasives, Inc., Projects) Series A and Series B 1985 and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:



AYES: Eight  
 Bradbury, Burns, Eisbart, GlaQuinta, Henry,  
 Schmidt, Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 Redd

DATE: 12-3-85 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-228-85 on the 3rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 4th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 5th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-85-11-38

SPECIAL ORDINANCE NO. S-229-85

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE  
 TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE  
 BONDS SERIES 1985 (PONTIAC FOUNDRY, INC., PROJECT)"  
 AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for Pontiac Foundry, Inc., Project regarding the financing of proposed economic development facilities for the Project and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 21, 1985, and also adopted a resolution on November 21, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Pontiac Foundry, Inc., complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Guaranty Agreement, and form of Ordinance; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Pontiac Foundry, Inc., for the acquisition and construction of such facilities and the equipping thereof, and the payment of the revenue bonds by the payments of Pontiac Foundry, Inc., under the Loan Agreement, complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of construction of a 40,000 sq. ft. steel Butler building and acquisition and installation of molding and melting equipment for production of aluminum sand and permanent mold castings, located at 2509 E. Pontiac Street, Fort Wayne, Indiana (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Loan Agreement, Mortgage and Security Agreement, Trust Indenture, Guaranty Agreement, and form of Ordinance, approved by the Fort Wayne Economic Development Commission are hereby approved and each shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of each of said documents are on file in the office of the Clerk for public inspection.

SECTION 5. The city of Fort Wayne shall issue its Economic Development Revenue Bonds, Series 1985 (Pontiac Foundry, Inc., Project) in the total principal amount of Three Million Dollars (\$3,000,000.00) and maturing December 1, 2000. Said bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Security Agreement and Trust Indenture incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by Pontiac Foundry, Inc. or as otherwise provided for under the Loan Agreement, Mortgage and Security Agreement and Trust Indenture. The bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple of \$5,000 in excess thereof provided that the bonds may be issued in the denomination of \$5,000 or any integral multiple thereof if necessary to evidence the unredeemed portion of any bond. The bonds shall be redeemable as provided in Article V of the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States of America. Payments of principal are payable at the principal office of the Trustee or its successor in trust. Payments of interest are payable by check mailed to the registered owner as of the Record Date as provided in the Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a price of not less than 100% of the principal amount thereof. The bonds shall bear interest at a rate of interest of 75% of the Reference Rate established by Fort Wayne National Bank, Fort Wayne, Indiana, at its principal office from time to time or at such other rate as provided for in the Trust Indenture.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City which are approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidence by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon provided, however, that no such modification addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signature of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Trust Indenture, and payment for the bonds will be made to the Trustee named in the Trust Indenture and after such payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this ordinance. The bonds shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Trust Indenture securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bonds, Series 1985 (Pontiac Foundry, Inc. Project) and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart,  
seconded by Redd, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One  
GlaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-229-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-43 (as amended)

AMENDED SPECIAL ORDINANCE NO. S-230-85

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$405,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT REVENUE BONDS SERIES 1985 (HEL-MAR, INC. PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO HEL-MAR, INC., AN INDIANA CORPORATION, TO ASSIST IN THE FINANCING OF AN ECONOMIC DEVELOPMENT FACILITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9, is authorized and empowered among other things (a) to make a loan for the acquisition, construction, equipping and installation of an economic development facility within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction, equipping and installation of the Project, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the aggregate principal amount of \$405,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9; and

WHEREAS, the Fort Wayne Economic Development Commission has determined that the acquisition, construction, equipping and installation of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

BE IT DROAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"ACT" means Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9, and amendments and supplements thereto such as are hereunder adopted.

"AGREEMENT" or "LDAN AGREEMENT" means the Loan Agreement dated as of December 1, 1985, between the Issuer and the Company, and any permitted amendments or supplements thereto.

"BDNOS" means the Bonds authorized in Section 3 or 4 hereof, registered in the name of the Holder as to principal and interest, including any Bond issued in exchange therefor as provided in the Indenture, and, initially, one (1) fully registered Bond, numbered R-1 in the original principal amount of \$405,000.

"BDND FUNDO" means the Bond principal, premium and interest fund created by Section 9 hereof.

"BDNDHDLDR" or "HOLDER" means, initially, the Original Purchaser, and any subsequent person in whose name any Bond is registered; provided that, solely as used in the definitions of "Determination of Taxability" and "Event of Taxability", the term "Bondholder" also includes the owner of an undivided participation interest in any Bond.

"BDND LEGISLATION" means this ordinance.

"BDND PURCHASE AGREEMENT" means the Bond Purchase Agreement dated as of December 1, 1985, among the Issuer, the Trustee, the Company and the Original Purchaser, and any permitted amendments or supplements thereto.

"BDND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period. Any "late charge" and any payment required to be made on the Bonds with interest at the Interest Rate for Advances shall also constitute a Bond Service Charge.

"COOE" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"COMPANY" means Hel-Mar, Inc., an Indiana corporation, and its successors and assigns, including any surviving, resulting or transferee entity as provided in Section 6.7 of the Agreement.

"COMPLETION OATE" means the date of completion of the acquisition, installation, equipping and construction of the Project as that date shall be certified as provided in Section 3.5 of the Agreement.

"CONSTRUCTION FUNDO" means the fund created by Section 7 hereof.

"OETERMINATION OF TAXABILITY" means (i) the filing by the Company or any other person or entity of any statement, supplemental statement or other tax schedule, return or document (whether pursuant to Treasury Regulations §1.103-10(b)(2)(vi)(c) or otherwise) which discloses that an Event of Taxability has occurred, or (ii) the final assertion by the Internal Revenue Service or any agent thereof to the effect that interest on the Bonds is includable in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as these terms are used in Section 103 of the Code) or (iii) the final adoption of legislation or regulations or a final determination, decision, decree or ruling of any judicial or administrative authority which has the effect of requiring interest on the Bonds to be included in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code). For purposes of clause (iii) in the preceding sentence, a decision, decree or ruling by any judicial or administrative authority shall be considered final upon the expiration or waiver of all periods for judicial review or appeal, as the case may be.

"ELIGIBLE INVESTMENTS" means (i) any bonds or other direct obligations of the United States of America; (ii) obligations of the Federal National Mortgage Association or the Government National Mortgage Association; (iii) obligations of the Federal Intermediate Credit Banks; (iv) obligations of Federal Banks for Cooperatives; (v) obligations of Federal Land Banks; (vi) obligations of the Federal Financing Bank; (vii) bank repurchase agreements issued by a Federal Reserve member bank, including

the Trustee, fully secured by obligations of any of the kinds specified in clauses (i) through (vi) above; (viii) time deposits, certificates of deposit, documented discount notes secured by stand-by letters of credit, bank reverse repurchase agreements or bankers acceptances of banks or trust companies, including the Trustee, organized under the laws of the United States of America or any state thereof, which have combined capital and earned and unearned surplus of at least \$25,000,000 in dollars of the United States of America; (ix) commercial paper or finance company paper which is rated not less than prime-one or A-1 or their equivalents by Moody's Investors Service, Inc., or Standard & Poor's Corporation, respectively, or their successors, or both, if rated by both; or (x) obligations, of any state of the United States of America or of any political subdivision or other instrumentality of any such state, which are rated at least "A" or its equivalent by either Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors, or both, if rated by both.

"EVENT OF TAXABILITY" means the occurrence of circumstances which a Determination of Taxability shall have found to have occurred, or which shall constitute a Determination of Taxability, and which results in the interest payable on the Bonds becoming includable in the gross income for Federal income tax purposes of any Bondholder (other than a Bondholder who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103 of the Code), such occurrence of circumstances relating to a specific point in time. Without limiting the generality of the foregoing, the incurring of capital expenditures in excess of those permitted under Section 103(b)(6)(D) of the Code, thereby causing any interest payable on the Bond to be includable in the gross income of any Bondholder under the Code, shall constitute an Event of Taxability.

"EXECUTIVE" means the Mayor of the Issuer.

"FINAL MATURITY DATE" means December 1, 2000.

"FISCAL OFFICER" means the City Clerk of the Issuer.

"GUARANTY" means the Guaranty Agreement dated as of December 1, 1985, between Cemex, Tekle-Wold, Vernie C. Gehron and Jack W. Schrey, as Guarantors, and the Trustee, whereby said Guarantors have unconditionally guaranteed to the Trustee payment of the Note in accordance with the terms thereof.

"INDENTURE" means the Trust Indenture dated as of December 1, 1985, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"INTEREST PAYMENT DATE" means the first day of each month commencing February 1, 1986, and continuing monthly thereafter.

"INTEREST RATE FOR ADVANCES" means the annual rate of interest which is equal to the rate of interest per annum publicly announced to be the prime rate by Summit Bank from time to time, whether or not such Bank shall at times lend to borrowers at lower rates of interest, plus two percent (2%); provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"ISSUING AUTHORITY" means the Common Council of the Issuer.

"LEGAL OFFICER" means either the City Attorney of the Issuer or the Counsel to the Economic Development Commission.

"MDRTGAGE" means the Mortgage and Security Agreement dated as of December 1, 1985, whereby the Company has granted to the Trustee, as security for payment of the Note and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"NOTE" means the Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by the Company to the Issuer concurrent with the delivery of the Loan Agreement.

"NOTE PAYMENTS" means any and all payments of principal of and interest, and prepayment premiums or Additional Payments, if any, on the Note.

"ORIGINAL BOND" means one (1) Bond R-1, in the aggregate principal amount of \$405,000.

"ORIGINAL PRINCIPAL SUM" means \$405,000, the aggregate original face amount of the Bonds.

"ORIGINAL PURCHASER" means Summit Bank, Fort Wayne, Indiana.

"OUTSTANDING BOND" or "BOND OUTSTANDING" or "OUTSTANDING" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

(a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date;

(b) Any Bond for which sufficient moneys have been deposited with the Trustee for the payment, redemption or purchase for cancellation of, whether upon or prior to the Final Maturity Date or the redemption date of any such Bond, or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

(c) Any Bond in lieu of which another has been authenticated (or payment, when due, of which is made without replacement) under Section 2.04 of the Indenture; and

(d) For the purpose of determining whether the Holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Company or any person owned, controlled by, under common control with or controlling the Company shall be disregarded and deemed to be not outstanding. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"PAYMENT IN FULL OF THE BONDS" means the first date when the Bonds are no longer deemed to be outstanding pursuant to Section 8.02 of the Indenture.

"PERSON" means natural persons, firms, associations, corporations and public bodies.

"PLEGGED RECEIPTS" means (a) the Note Payments, (b) subject to the provisions of Sections 3.04, 4.02 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of any Bondholder, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, in respect of the Agreement or the Project, except certain expense, reimbursement and indemnity payments which are, pursuant to the provisions

of the Agreement, to be made by the Company directly to the Issuer or the Trustee, (c) any moneys on deposit in the Construction Fund or the Bond Fund and (d) the income and profit from the investment of any moneys while held in the Construction Fund or the Bond Fund.

"PROJECT" means the Project Site and the real, personal, or real and personal property, including undivided interests or other interests therein, identified in Exhibit A to the Agreement, or acquired, constructed or installed as a replacement or substitution therefor or an addition thereto, or as may result from a revision of the plans and specifications therefor in accordance with the provision of the Loan Agreement or Mortgage.

"PROJECT SITE" means the real estate and interests in real estate constituting the site of and part of the Project, as described in Exhibit B to the Agreement.

"STATE" means the State of Indiana.

"TAXABLE RATE OF INTEREST" means the Interest Rate for Advances.

"TRUSTEE" means the Trustee at the time acting as such under the Indenture, originally Summit Bank, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, the Issuing Authority, or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner, at the times, and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, any pronoun shall be deemed to cover all genders, and the terms "herein", "hereof", "hereby", "hereunder", and similar terms, mean this Bond Legislation and the Indenture and not solely the portion hereof in which any such word is used.

Section 2. **Determination of Issuing Authority.** Pursuant to the Act, the Issuing Authority hereby finds and determines that the Project is an "economic development facility" as defined in the Act and that all actions required under the Act to be taken by the Issuer prior to the issuance of the Bonds have been duly authorized and completed.

Section 3. **Authorization of Bonds.** It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds in the aggregate principal amount of \$405,000 for the purpose of financing costs of acquiring, constructing, equipping and installing the Project, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Loan Agreement and the Bond Purchase Agreement. The Bonds shall be designated "Economic Development Revenue Bonds Series 1985 (Hel-Mar, Inc. Project)."

Section 4. **Additional Bonds.** One or more series of Bonds in addition to the Original Bonds (herein referred to as "Additional Bonds") may, with the consent of the Holders of all Bonds then outstanding, be authenticated and delivered from time to time for one or more of the purposes of (i) refunding entirely one or more series of Bonds outstanding

hereunder, if such Bonds may otherwise be refunded, (ii) advance refunding entirely one or more series of Bonds outstanding hereunder, regardless of whether such Bonds may otherwise be refunded, if the same is then permitted by law by depositing with the Trustee, in trust for the sole benefit of such series of Bonds, cash or investments (but only to the extent that the full faith and credit of the United States of America are pledged to the timely payment thereof) in a principal amount which will, together with the income or increment to accrue thereon, be sufficient to pay and redeem (when redeemable) and discharge such series of Bonds at or before their respective maturity dates, and (iii) financing the cost or estimated cost of completing the Project or of acquiring, equipping, constructing and/or renovating additional improvements to the Project, and, in each case, obtaining additional funds to pay the costs to be incurred in connection with such Additional Bonds, to establish reserves with respect thereto and to pay interest during the estimated construction period of completing the additional improvements, if any. Each series of Additional Bonds issued hereunder shall be equal in aggregate principal amount to the principal amount of the Additional Note being then currently issued.

Prior to the delivery by the Issuer of any of such Additional Bonds, there shall be filed with the Trustee:

1. A supplement to this Indenture executed by the Issuer and the Trustee authorizing the issuance of such Additional Bonds, specifying the terms thereof, pledging and assigning the Additional Note being then currently issued as security therefor and providing for the disposition of the proceeds of the sale thereof.
2. The supplement or amendment to the Loan Agreement and the other instruments, documents, certificates and opinions referred to in Section 5.2 of the Loan Agreement.
3. The Additional Note being then concurrently issued, made payable to the order of the Issuer, duly executed by the Company and endorsed by the Issuer to the order of the Trustee.

4. A copy, duly certified by the Fiscal Officer of the Issuer, of the ordinance theretofore adopted and approved by the Issuer authorizing the execution and delivery of such supplemental indenture and such supplement to the Loan Agreement and the issuance of such Additional Bonds.
5. A Written Request of the Issuer to the Trustee to authenticate and deliver such Additional Bonds.
6. Written consent to the Issuance of Additional Bonds by the Holders of all of the Bonds then outstanding.

Any Additional Bonds issued in accordance with the terms of this Section shall be secured by this indenture and shall be equally and ratably payable from all Notes issued under the Loan Agreement, but such Additional Bonds may bear such date or dates, such interest rate or rates, and with such maturities, redemption dates and premiums as may be agreed upon by the Issuer and the purchaser of such Additional Bonds.

**Section 5. Terms of Bonds.** The Bonds shall be issued in fully registered form and shall be exchangeable for fully registered Bonds in the manner and on the terms provided in the indenture, shall be numbered from R-1 upwards, and shall be in substantially the form set forth therefor in the indenture.

Bonds shall be in the denominations of \$5,000 and any multiple thereof, and shall be of a single maturity of the same series; provided that the Fiscal Officer with the approval of the Trustee may authorize issuance of one or more Bonds representing more than one maturity of the same series with appropriate changes in the form of such a Bond to cover more than one maturity, such approval and authorization to be evidenced as provided in the indenture.

Each Bond shall be dated as of the date of its delivery or exchange; provided that if at the time of authentication of any Bond interest is in default thereon, such Bond shall be dated as of the date to which interest has been paid.

The Bonds being initially delivered to Summit Bank, as the Original Purchaser, shall be one (1) Bond numbered R-1 in the original aggregate principal amount of \$405,000 with interest thereon at a rate of seventy-five percent (75%) of the rate of interest per annum publicly announced to be the prime rate by Summit Bank from time to time, whether or not such Bank shall at times lend to borrowers at lower rates of interest (the "Bond Interest Rate").

The initial Bond Interest Rate shall be determined as of the date of delivery of the Bonds to the Original Purchaser thereof and shall be subject to adjustment on the 1st day of December, 1986, and on the 1st day of December of each succeeding year thereafter. Each date on which the Bond Interest Rate will be subject to adjustment is referred to herein as a "Change Date." Any Bond Interest Rate adjustment made in accordance with the provisions hereof shall become effective on the corresponding Change Date. In addition, in the event of an increase or decrease in the corporate tax rate, as specified by the Internal Revenue Code, after the date of delivery of the Bonds, the Bond Interest Rate shall be decreased (in the case of an increase in the corporate tax rate) or increased (in the case of a decrease in the corporate tax rate) effective as of the date of such change in the corporate tax rate. For purposes of this paragraph, in the event of an increase or decrease in the corporate tax rate, the Bond Interest Rate shall be adjusted to a rate of interest which is equal to the product of (i) the Bond Interest Rate prior to any adjustment times (ii) a fraction (expressed as a decimal) the numerator of which is the number 1 minus the corporate tax rate in effect following the change in such rate and the denominator of which is the number 1 minus the corporate tax rate in effect on the date of delivery of the Bonds. For purposes of this section, the "corporate tax rate" shall mean the highest marginal statutory rate of federal income tax imposed on corporations by the Internal Revenue Code. The Trustee shall notify the Company in writing of any Bond Interest Rate adjustment within 10 days following the Change Date.

Principal and interest shall be payable in monthly installments commencing on February 1, 1986, and on the first day of each month thereafter, with the final installment of principal and interest due on January 1, 2001. The amount of each monthly payment of principal and interest shall be an amount which would be sufficient to repay the unpaid principal balance of the Bonds in full on January 1, 2001, in substantially equal monthly payments with interest at the Bond Interest Rate in effect at the time of such monthly payment. In the event of an adjustment in the Bond Interest Rate on a Change Date, the Trustee shall determine the amount of the new monthly principal and interest payment and shall notify the Company of such payment amount within 10 days following the Change Date. Such new payment amount shall become effective on the first day of the month immediately following the Change Date.

All payment provisions herein set forth are subject to the provisions hereinafter set forth with respect to redemption prior to maturity as they may become applicable hereto. Upon full and complete payment as provided herein, the Bonds shall be deemed fully paid and retired upon the making of the final payment provided for herein. Upon any transfer and surrender of said Bond numbered R-1 in accordance with the provisions of the Indenture, the Issuer shall execute and deliver a new Bond or Bonds in exchange therefor as provided in the Indenture.

The Bonds are subject to optional redemption, in whole or in part, prior to maturity by the Issuer at the direction of the Company on any Interest Payment Date. Any prepayment amount may consist of the entire principal amount of the Bonds then outstanding, or any part thereof, except that if less than the entire amount, then such partial prepayment amount shall be a multiple of \$5,000, plus accrued interest to the redemption date.

The redemption date in any such event shall be the date set by the Company for prepayment of the Note in accordance with the provisions of such Section 7.1(c) of the Loan Agreement.



The Bonds shall also be callable for redemption in whole or in part, upon occurrence of any of the circumstances which operate to require prepayment of the Note in whole or in part by the Company in accordance with the provisions of Sections 7.1(b) and 7.2 of the Loan Agreement. The redemption date in any of such events shall be the date set by the Company, (or in default thereof, by the Trustee) for the prepayment of the Note in whole or in part in accordance with the provisions of the Loan Agreement. The redemption price in any of such events shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date; provided that upon any call for redemption of the Bonds due to a Determination of Taxability, the redemption price shall be increased by an amount equal to the difference between (a)(i) the aggregate amount of interest which would have been payable on the Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of Interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds from the date of the Event of Taxability to the redemption date.

The obligation of the Issuer to make payments of interest on and/or principal of the Bonds which remains outstanding after any partial redemption shall not be affected by such partial redemption, such partial redemption operating instead to pay and redeem the principal of this Bond at dates earlier than the originally scheduled principal amortization dates, in inverse chronological order.

Notice from the Company to the Trustee that the Note is to be prepaid in whole or in part pursuant to the Agreement shall also constitute direction by the Issuer to the Trustee to shorten the payment schedule and move the final payment date forward, and no separate notice from the Issuer to the Trustee shall be required.

Notice of the call for any redemption of Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Bonds or portions of Bonds to be redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the Issuer by mailing a copy of the redemption notice by registered or certified mail at least thirty (30) days prior to the date fixed for redemption to the Holder or Holders thereof at the address shown on the registration books kept by the Trustee; provided, however, that failure to give such notice to any Bondholder by mailing, or any defects in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Bonds. The Holder or Holders of Bonds may waive any notice of redemption in writing, and in such event, no notice of any kind need be given with respect to the Bonds of such Holder or Holders to be so redeemed.

All Bond Service Charges on Bonds shall be payable by check or draft drawn upon the Trustee and mailed or delivered to the Bondholder at its address as shown on the Bond registration books to be kept by the Trustee; provided however that the final Bond Service Charges shall be payable at the corporate trust office of the Trustee upon presentation and surrender of the Bond at such office. All payments of Bond Service Charges shall be made in lawful money of the United States of America, without deduction for services as paying agent. In addition, upon acceleration of the Bond, the amounts payable upon such acceleration, together with interest thereon at the Interest Rate for Advances from the date of acceleration, shall continue as an obligation of the Issuer until paid. All payments from the Issuer referred to herein shall be payable solely from the Pledged Receipts.

All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Subject to provisions of the Bond Legislation, Bonds shall be issued as fully registered Bonds, and may be exchanged as provided in the Indenture. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

The Bonds shall be executed on behalf of the Issuer by the Executive and by the Fiscal Officer, provided that any or all of such signatures may be facsimiles, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on any Bond, shall cease to be such officer before the issuance, authentication or delivery of the Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until after that time.

**Section 6. Security for the Bonds.** As provided herein, the Bonds shall be payable solely from the Bond Fund and the Pledged Receipts and secured by a pledge of and lien on the Pledged Receipts and the Bond Fund, and shall be further secured by the Mortgage, the Indenture, the Guaranty, and the Pledge and Security Agreement. Neither the Bond Legislation, the Bonds, the Indenture, the Loan Agreement, nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect.

**Section 7. Sale of Bonds.** The Bonds are hereby sold and awarded to the Original Purchaser, in accordance with its offer therefor in the Bond Purchase Agreement, at a purchase price of 100% of the principal amount of the Bonds to be purchased by it, aggregating \$405,000, plus accrued interest from the date of delivery of the Bonds. The Executive and the Fiscal Officer are authorized and directed to make on behalf of the Issuer the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to such Original Purchaser, and to take all steps necessary to effect such execution, authentication and delivery to the Original Purchaser of the Bonds purchased by it under the terms of this Bond Legislation, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and the sale thereof, all as provided in this Bond Legislation and the Bond Purchase Agreement, are in the best interest of the Issuer and consistent with all legal requirements.



#### Section 8. Allocation of Proceeds of Bond - Construction

Fund. There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund in the name of the Issuer to be designated "City of Fort Wayne - Hel-Mar, Inc. Construction Fund." All of the sums from the sale of the Bonds, except accrued interest on the Bonds, shall be deposited in the Construction Fund and disbursed by the Trustee in accordance with the Loan Agreement. The Trustee is authorized and directed to issue its check for each such disbursement. The moneys to the credit of the Construction Fund (including the proceeds from the sale of investments thereof) shall, pending applications thereof as above set forth, be subject to a lien and charge in favor of the Holder.

Section 9. Source of Payment - Bond Fund. As provided in the Agreement, Note Payments, sufficient in time and amount to pay the Bond Service Charges as they come due, are to be paid by the Company directly to the Trustee for the account of the Issuer and deposited in the Bond Fund.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - Hel-Mar, Inc. Bond Fund." Subject to the provisions of the Mortgage, the Bond Fund and the moneys therein are hereby pledged to and

shall be used solely and exclusively for the payment of Bond Service Charges as they fall due at stated maturity or by amortization or redemption, all as provided herein and in the Indenture and the Agreement. Except as otherwise provided in this Bond Legislation or in the Mortgage, there shall be deposited into the Bond Fund, as and when received, all Pledged Receipts.

The Issuer covenants and agrees that, until Payment in Full of the Bonds, it will deposit or cause to be deposited in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond Service Charges as the same become due and payable, and to this end the Issuer covenants and agrees that it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholder to fully protect the rights and security of the Bondholder hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges any funds other than the Bond Fund and the Construction Fund or revenues from any source other than Pledged Receipts.

The Issuer covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem the entire principal amount of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, and any applicable premiums, to take and cause to be taken, upon notification by the Company or the Trustee, the necessary steps to redeem the Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 10. Covenants of Issuer. In addition to other covenants of the Issuer in the Bond Legislation and the Indenture, the Issuer further covenants and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond Service Charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, Bond Purchase Agreement, the Indenture and the Bonds, required therein to be observed and performed by the Issuer. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, to execute the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Bonds, and the execution and delivery of the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, have been or will be duly and effectively taken; and that the Bonds will be valid, binding and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Bond Purchase Agreement, the Agreement and the Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture, Bond Purchase Agreement and Agreement, the Issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Construction Fund, the Bond Fund or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The Issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture; and in pursuance thereof the Company has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 6.9 of the Agreement.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer, Trustee and Bondholder thereunder, including actions at law and in equity, as may be appropriate.

(g) Rights Under Agreement. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholder, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.

(h) Arbitration Provisions. The Issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Issuer, or any officer of the Company, and upon receipt of satisfactory indemnities from the Company, to give an appropriate certificate on behalf of the Issuer, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to such Section 103(c) and regulations thereunder.

Section 11. Investment of Bond Fund and Construction Fund Money. Moneys in the Bond Fund and the Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any written orders, or oral orders confirmed promptly in writing, of an authorized representative of the Company with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond Service Charges as they fall due at stated maturity or by amortization or redemption, and that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Fund. Subject to any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys here-

under at the times required for the purposes of paying Bond Service Charges when due as aforesaid. An investment made from moneys credited to the Bond Fund or Construction Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income or loss from such investment. The Company has covenanted in the Agreement to restrict the use of the proceeds of the Bonds so that they will not constitute arbitrage bonds under the Code.

Section 12. Authorization of Agreement, Bond Purchase Agreement, Indenture and Assignment. In order to better secure the payment of the Bond Service Charges as the same shall become due and payable, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the Issuer, the Agreement, the Bond Purchase Agreement, the Indenture and the assignment of the Note, in substantially the forms submitted to this Issuing Authority, which are hereby approved, with such changes therein not inconsistent with this permitted by the Act and approved by the Legal Officer and by the persons such members, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Agreement, the Bond Purchase Agreement, the Indenture and such assignment by such persons.

The Executive and Fiscal Officer are each hereby separately authorized to take any and all actions and to execute such financing statements, election statement, certificates and other instruments that may be necessary or appropriate in the opinion of the Legal Officer and bond counsel, in order to effect the issuance of the Bonds and the intent of this Bond Legislation. The Fiscal Officer, or other appropriate officer of the Issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 13. Effective Date. This Bond Legislation shall take effect and be in force immediately upon its adoption.

Ben A. Eisbart  
Councilman

Adopted by Economic Development Commission  
Approved as to form and legality:

John J. Wernet  
John J. Wernet, Attorney for the  
Fort Wayne Economic Development  
Commission

Dated this 17<sup>th</sup> day of Dec, 1985

Approved as to Form and Legality:

Bruce O. Boxberger  
Bruce O. Boxberger, City Attorney  
Dated this 17<sup>th</sup> day of December, 1985

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
 Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
 Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-230-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-85-11-44 (as amended)

AMENDED SPECIAL ORDINANCE NO. S-234-85

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$1,665,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1985 A, SERIES 1985 B AND SERIES 1985 C (NATIONAL PLASTICS/INTERNATIONAL PACKAGING/P-D REALTY PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO NATIONAL PLASTICS CORPORATION, INTERNATIONAL PACKAGING CORPORATION AND P-D REALTY, AN INDIANA GENERAL PARTNERSHIP, TO ASSIST IN THE FINANCING OF ECONOMIC DEVELOPMENT FACILITIES; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is a political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, is authorized and empowered among other things (a) to make a loan for the acquisition, rehabilitation, construction and installation of an economic development facility within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction, equipping and installation of the Project, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the total aggregate principal amount of \$1,665,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 36, Article 7, Chapters 11.9 and 12; and

WHEREAS, this Common Council has determined that the acquisition, construction, equipping and installation of the Project will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. These words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"ACT" means Indiana Code, Title 36, Article 7, Chapters 11.9 and 12 and amendments and supplements thereto such as are hereunder adopted.

"AGREEMENT" or "LOAN AGREEMENT" means the Loan Agreement dated as of December 1, 1985, between the Issuer and the Company, and any permitted amendments or supplements thereto.

"BONO OR BONOS" means the Series 1985 A Bonds, the Series 1985 B Bonds and the Series 1985 C Bonds authorized in Section 3 hereof, registered in the name of the Holder as to principal and interest, including any Bond issued in exchange therefor as provided in the indenture; and, initially, three (3) fully registered Bonds, numbered RA-1 in the original aggregate principal amount of \$250,000, RB-1 in the original aggregate principal amount of \$995,000, and RC-1 in the original aggregate principal amount of \$420,000.

"BONO FUNOS" means the Series 1985 A Bond principal, premium and interest fund, the Series 1985 B Bond principal, premium and interest fund, and the Series 1985 C Bond principal, premium and interest fund, all created by Section 8 hereof.

"BONOHOLDER" or "HOLDER" means, initially, the Original Purchaser, and any subsequent person in whose name any Bond is registered; provided that, solely as used in the definitions of "Determination of Taxability" and "Event of Taxability", the term "Bondholder" also includes the owner of an undivided participation interest in any Bond.

"BOND LEGISLATION" means this ordinance.

"BOND PURCHASE AGREEMENT" means the Bond Purchase Agreement dated as of December 1, 1985, among the Issuer, the Trustee, the Company and the Original Purchaser, and any permitted amendments or supplements thereto.

"BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period. Any "late charge" and any payment required to be made on the Bonds with interest at the interest Rate for Advances shall also constitute a Bond Service Charge.

"CODE" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"COMPANY" means jointly and severally National Plastics Corporation, an Indiana corporation ("National Plastics"), International Packaging Corporation, an Indiana corporation ("International Packaging"), and P-O Realty, an Indiana general partnership ("P-O Realty"), and their successors and assigns, including any surviving, resulting or transferee entity as provided in Section 5.7 of the Agreement.

"COMPLETION DATE" means the date of completion of the acquisition, installation, equipping and construction of the Project as that date shall be certified as provided in Section 3.5 of the Agreement.

"CONSTRUCTION FUNOS" means the Series 1985 A Construction Fund, the Series 1985 B Construction Fund, and the Series 1985 C Construction Fund, all created by Section 8 hereof.

"DETERMINATION OF TAXABILITY" means (i) the filing by the Company or any other person or entity of any statement, supplemental statement or other tax schedule, return or document (whether pursuant to Treasury Regulations §1.103-10(b)(2)(vi)(c) or otherwise) which discloses that an Event of Taxability has occurred, or (ii) the final assertion by the Internal Revenue Service or any agent thereof to the effect that interest on the Bond is includable in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code) or (iii) the final adoption of

legislation of regulations or a final determination, decision, decree or ruling of any judicial or administrative authority which has the effect of requiring interest on the Bond to be included in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103 of the Code). For purposes of clause (iii) in the preceding sentence, a decision, decree or ruling by any judicial or administrative authority shall be considered final upon the expiration or waiver of all periods for judicial review or appeal, as the case may be.

"ELIGIBLE INVESTMENTS" means (i) any bonds or other direct obligations of the United States of America; (ii) obligations of the Federal National Mortgage Association or the Government National Mortgage Association; (iii) obligations of the Federal Intermediate Credit Banks; (iv) obligations of Federal Banks for Cooperatives; (v) obligations of Federal Land Banks; (vi) obligations of the Federal Financing Bank; (vii) repurchase agreements, including those of the Trustee, fully secured by obligations of any of the kinds specified in clauses (i) through (vi) above; (viii) time deposits, certificates of deposit, documented discount notes secured by stand-by letters of credit, bank reverse repurchase agreements or bankers acceptances of banks or trust companies, including the Trustee, organized under the laws of the United States of America or any state thereof, which have combined capital and earned and unearned surplus of at least \$25,000,000 in dollars of the United States of America; (ix) commercial paper or finance company paper which is rated not less than prime-one or A-1 or their equivalents by Moody's Investors Service, Inc., or Standard & Poor's Corporation, respectively, or their successors, or both, if rated by both; or (x) obligations, of any state of the United States of America or of any political subdivision or other instrumentality of any such state, which are rated at least "A" or its equivalent by either Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors, or both, if rated by both.

"EVENT OF TAXABILITY" means the occurrence of circumstances on the basis of which a Determination of Taxability shall occur, or which shall constitute a Determination of Taxability, and which results in the interest payable on the Bonds becoming includable in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103 of the Code), such occurrence of circumstances relating to a specific point in time. Without limiting the generality of the foregoing, the incurring of capital expenditures in excess of those permitted under Section 103(b)(6)(C) of the Code, thereby causing any interest payable on the Bonds to be includable in the gross income of any Holder under the Code, shall constitute an Event of Taxability.

"EXECUTIVE" means the Mayor of the Issuer.

"FINAL MATURITY DATE" means June 1, 2001.

"FISCAL OFFICER" means the City Clerk of the Issuer.

"INDENTURE" means the Trust Indenture dated as of December 1, 1985, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"INTEREST PAYMENT DATE" means the first day of each month commencing February 1, 1986, and continuing monthly thereafter to and including June 1, 2001.

"INTEREST RATE FOR ADVANCES" means the annual rate of interest which is equal to the rate of interest per annum publicly announced to be the prime rate by Summit Bank from time to time, whether or not such Bank shall at times lend to borrowers at lower rates of interest, plus two percent (2%); provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"INTERNATIONAL PACKAGING" means International Packaging Corporation, an Indiana corporation.

"ISSUING AUTHORITY" means the Common Council of the Issuer.

"LEGAL OFFICER" means either the City Attorney of the Issuer or the Counsel to the Economic Development Commission.

"MORTGAGE" means the Mortgage and Security Agreement dated as of December 1, 1985, whereby the Company has granted to the Trustee, as security for payment of the Notes and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"NATIONAL PLASTICS" means National Plastics Corporation, an Indiana corporation.

"NOTES" means the Series 1985 A Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by National Plastics to the Issuer concurrent with the delivery of the Loan Agreement, the Series 1985 B Promissory Note in the form attached as Exhibit D to the Loan Agreement, issued by International Packaging to the Issuer concurrent with the delivery of the Loan Agreement, and the Series 1985 C Promissory Note in the form attached as Exhibit E to the Loan Agreement, issued by P-O Realty to the Issuer concurrent with the delivery of the Loan Agreement.

"NOTE PAYMENTS" means any and all payments of principal and interest, and prepayment premiums or Additional Payments, if any, on the Notes.

"ORIGINAL SERIES 1985 A BONDS" means one (1) Bond numbered RA-1 in the aggregate principal amount of \$250,000.

"ORIGINAL SERIES 1985 B BOND" means one (1) Bond numbered RB-1 in the aggregate principal amount of \$995,000.

"ORIGINAL SERIES 1985 C BOND" means one (1) Bond numbered RC-1 in the aggregate principal amount of \$420,000.

"ORIGINAL PRINCIPAL SUM" means \$1,665,000, the aggregate original face amount of the Bonds.

"ORIGINAL PURCHASER" means Summit Bank, Fort Wayne, Indiana.

"OUTSTANDING BOND" or "BOND OUTSTANDING" or "OUTSTANDING" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

(a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date;

(b) Any Bond for which sufficient moneys have been deposited with the Trustee for the payment, redemption or purchase for cancellation of, whether upon or prior to the Final Maturity Date or the redemption date of any such Bond, or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

(c) Any Bond in lieu of which another has been authenticated (or payment, when due, of which is made without replacement) under Section 2.04 of the Indenture; and

(d) For the purpose of determining whether the Holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Company or any person owned, controlled by, under common control with or controlling the Company shall be disregarded and deemed to be not outstanding. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"P-D REALTY" means P-D Realty, an Indiana general partnership.

"PAYMENT IN FULL OF THE BONDS" means the first date when the Bonds are no longer deemed to be Outstanding pursuant to Section 8.02 of the Indenture.

"PERSON" means natural persons, firms, associations, corporations and public bodies.

"PLEDGED RECEIPTS" means (a) the Note Payments, (b) subject to the provisions of Sections 3.04, 4.02 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of any Bondholder, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, in respect of the Agreement or the Project, except certain expense, reimbursement and indemnity payments which are, pursuant to the provisions of the Agreement, to be made by the Company directly to the Issuer or the Trustee, (c) any moneys on deposit in the Construction Funds or the Bond Funds and (d) the income and profit from the investment of any moneys while held in the Construction Funds or the Bond Funds.

"PROJECT" means the Project Site and the real, personal, or real and personal property, including undivided interests or other interests therein, identified in Exhibit A to the Agreement, or acquired, constructed or installed as a replacement or substitution therefor or an addition thereto, or as may result from a revision of the plans and specifications therefor in accordance with the provision of the Loan Agreement or Mortgage.

"PROJECT SITE" means the real estate and interests in real estate constituting the site of and part of the Project, as described in Exhibit B to the Loan Agreement.

"SERIES 1985 A BOND" means one (1) Bond numbered RA-1 in the original aggregate principal amount of \$250,000.

"SERIES 1985 B BOND" means one (1) Bond numbered RB-1 in the original aggregate principal amount of \$995,000.

"SERIES 1985 C BOND" means one (1) Bond numbered RC-1 in the original aggregate principal amount of \$420,000.

"SERIES 1985 A NDTE" means the Promissory Note in the form attached as Exhibit C to the Loan Agreement, issued by National Plastics to the Issuer concurrent with the delivery of the Loan Agreement.

"SERIES 1985 B NDTE" means the Promissory Note in the form attached as Exhibit D to the Loan Agreement, issued by International Packaging to the Issuer concurrent with the delivery of the Loan Agreement.

"SERIES 1985 C NDTE" means the Promissory Note in the form attached as Exhibit E to the Loan Agreement, issued by P-D Realty to the Issuer concurrent with the delivery of the Loan Agreement.

"SERIES 1985 A BOND FUND" means the Series 1985 A Bond principal, premium and interest fund created by Section 9 hereof.

"SERIES 1985 B BOND FUND" means the Series 1985 B Bond principal, premium and interest fund created by Section 9 hereof.

"SERIES 1985 C BOND FUND" means the Series 1985 C Bond principal, premium and interest fund created by Section 9 hereof.

"SERIES 1985 A CONSTRUCTION FUND" means the Series 1985 A Construction Fund created by Section 8 hereof.

"SERIES 1985 B CONSTRUCTION FUND" means the Series 1985 B Construction Fund created by Section 8 hereof.

"SERIES 1985 C CONSTRUCTION FUND" means the Series 1985 C Construction Fund created by Section 8 hereof.

"SERIES 1985 A BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest and redemption premium, if any, required to be paid by the Issuer on the Series 1985 A Bonds for such time period. Any "late charges" and any payment required to be made on the Series 1985 A Bonds with interest at the Interest Rate for Advances shall also constitute a Series 1985 A Bond Service Charge.

"SERIES 1985 B BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest and redemption premium, if any, required to be paid by the Issuer on the Series 1985 B Bonds for such time period. Any "late charges" and any payment required to be made on the Series 1985 B Bonds with interest at the Interest Rate for Advances shall also constitute a Series 1985 B Bond Service Charge.

"SERIES 1985 C BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest and redemption premium, if any, required to be paid by the Issuer on the Series 1985 C Bonds for such time period. Any "late charges" and any payment required to be made on the Series 1985 C Bonds with interest at the Interest Rate for Advances shall also constitute a Series 1985 C Bond Service Charge.

"STATE" means the State of Indiana.

"TAXABLE RATE OF INTEREST" means the interest rate for Advances.

"TRUSTEE" means the Trustee at the time acting as such under the Indenture, originally Summit Bank, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, the Issuing Authority, or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as

from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner, at the times, and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, any pronoun shall be deemed to cover all genders, and the terms "herein", "hereof", "hereby", "hereunder", and similar terms, mean this Bond Legislation and the Indenture and not solely the portion hereof in which any such word is used.

Section 2. **Determination of Issuing Authority.** Pursuant to the Act, the Issuing Authority hereby finds and determines that the Project is an "economic development facility" as defined in the Act and that all actions required under the Act to be taken by the Issuer prior to the issuance of the Bonds have been duly authorized and completed.

Section 3. **Authorization of Bonds.** It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Series 1985 A Bonds in the aggregate principal amount of \$250,000, the Series 1985 B Bonds in the aggregate principal amount of \$95,000, and the Series 1985 C Bonds in the aggregate principal amount of \$420,000 for the purpose of financing the costs of acquiring, constructing, equipping and installing the Project, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Loan Agreement and the Bond Purchase Agreement. The Bonds shall be designated "Economic Development Revenue Bonds, Series 1985 A, Series 1985 B, and Series 1985 C (National Plastics/International Packaging/P-D Realty Project)."

Section 4. **Additional Bonds.** One or more series of Bonds in addition to the Original Series 1985 A Bonds, the Original Series 1985 B Bonds, and the Original Series 1985 C Bonds (herein referred to as "Additional Bonds") may, with the consent of the Holders of all Bonds then outstanding, be authenticated and delivered from time to time for one or more of the purposes of (i) refunding entirely one or more series of Bonds outstanding hereunder, if such Bonds may otherwise be refunded, (ii) advance refunding entirely one or more series of Bonds outstanding hereunder, regardless of whether such Bonds may otherwise be refunded, if the same is then permitted by law by depositing with the Trustee, in trust for the sole benefit of such series of Bonds, cash or investments (but only to the extent that the full faith and credit of the United States of America are pledged to the timely payment thereof) in a principal amount which will, together with the income or increment to accrue thereon, be sufficient to pay and redeem (when redeemable) and discharge such series of Bonds at or before their respective maturity dates, and (iii) financing the cost or estimated cost of completing the Project or of acquiring, equipping, constructing and/or renovating additional improvements to the Project, and, in each case, obtaining additional funds to pay the costs to be incurred in connection with such Additional Bonds, to establish reserves with respect thereto and to pay interest during the estimated construction period of completing the additional improvements, if any. Each series of Additional Bonds issued hereunder shall be equal in aggregate principal amount to the principal amount of the Additional Note being then currently issued.

Prior to the delivery by the Issuer of any of such Additional Bonds, there shall be filed with the Trustee:

1. A supplement to this Indenture executed by the Issuer and the Trustee authorizing the issuance of such Additional Bonds, specifying the terms thereof, pledging and assigning the Additional Note being then currently issued as security

therefor and providing for the disposition of the proceeds of the sale thereof.

2. The supplement or amendment to the Loan Agreement and the other instruments, documents, certificate and opinions referred to in Section 5.2 of the Loan Agreement.
3. The Additional Note being then concurrently issued, made payable to the order of the Issuer, duly executed by National Plastics and/or International Packaging and/or P-D Realty and endorsed by the Issuer to the order of the Trustee.
4. A copy, duly certified by the Fiscal Officer of the Issuer, of the ordinance theretofore adopted and approved by the Issuer authorizing the execution and delivery of such supplemental Indenture and such supplement to the Loan Agreement and the issuance of such Additional Bonds.
5. A Written Request of the Issuer to the Trustee to authenticate and deliver such Additional Bonds.
6. Written consent to the issuance of Additional Bonds by the Holders of all of the Bonds then outstanding.



Any Additional Bonds issued in accordance with the terms of this Section shall be secured by this Indenture and shall be equally and ratably payable from all Notes issued under the Loan Agreement, but such Additional Bonds may bear such date or dates, such interest rate or rates, and with such maturities, redemption dates and premiums as may be agreed upon by the Issuer and the purchaser of such Additional Bonds.

**Section 5. Terms of Bonds.** The Series 1985 A Bonds shall initially be issued in fully registered form and shall be exchangeable for fully registered Bonds in the manner and on the terms provided in the Indenture, shall be numbered from RA-1 upwards, and shall be in substantially the form set forth therein in the Indenture.

Series 1985 A Bonds shall be in the denominations of \$5,000 and any multiple thereof and may represent more than one maturity within said series.

The Series 1985 B Bonds shall be issued in fully registered form and shall be exchangeable for fully registered Bonds in the manner and on the terms provided in the Indenture, shall be numbered from RB-1 upwards, and shall be in substantially the form set forth therein in the Indenture.

Series 1985 B Bonds shall be in the denominations of \$5,000 and any multiple thereof, and may represent more than one maturity within said series.

The Series 1985 C Bonds shall initially be issued in fully registered form and shall be exchangeable for fully registered Bonds in the manner and on the terms provided in the Indenture, shall be numbered from RC-1 upwards, and shall be in substantially the form set forth therein in the Indenture.

Series 1985 C Bonds shall be in the denominations of \$5,000 and any multiple thereof, and may represent more than one maturity within said series.

Each Bond shall be dated as of the date of its delivery or exchange, provided that if at the time of authentication of any Bond interest is in default thereon, such Bond shall be dated as of the date to which interest has been paid, and Bonds initially delivered to the Original Purchaser (or any of them), shall be dated as of December 1, 1985.

The Bonds being initially delivered to Summit Bank, as the Original Purchaser, shall be one (1) Series 1985 A Bond, one (1) Series 1985 B Bond, and (1) Series 1985 C Bond; one (1) Series 1985 A Bond numbered RA-1 in the original aggregate principal amount of \$250,000, one (1) Series 1985 B Bond numbered RB-1 in the original aggregate principal amount of \$995,000, and one (1) Series 1985 C Bond numbered RC-1 in the original aggregate principal amount of \$420,000. The Bonds shall accrue interest thereon at the rate of seventy-five percent (75%) of the rate of interest per annum publicly announced to be the prime rate by Summit Bank from time to time, whether or not such Bank shall at times lend to borrowers at lower rates of interest (the "Bond Interest Rate").

The Initial Bond Interest Rate shall be determined as of the date of delivery of the Bonds to the Original Purchaser thereof and shall be subject to adjustment on the 1st day of December, 1986, and on the 1st day of December of each succeeding year thereafter. Each date on which the Bond Interest Rate will be subject to adjustment is referred to herein as a "Change Date." Any Bond Interest Rate adjustment made in accordance with the provisions hereof shall become effective on the corresponding Change Date. The Trustee shall notify the Company in writing of any Bond Interest Rate adjustment within seven (7) days following the effective date of such adjustment.

Interest only shall be payable monthly commencing on February 1, 1986, and on the first day of each succeeding month thereafter to and including June 1, 1986. Principal and interest on the Bonds shall be payable in monthly installments commencing on July 1, 1986, and on the first day of each month thereafter, with the final installment of principal and interest due on June 1, 2001. The amount of each monthly payment of principal and interest shall be an amount which would be sufficient to repay the unpaid principal balance of the Bonds in full on June 1, 2001 in substantially equal payments with interest at the Bond Interest Rate in effect at the time of such monthly payment.

In the event of an adjustment in the Bond Interest Rate on a Change Date, the Trustee shall determine the amount of the new monthly principal and interest payment for each Bond and shall notify the Company of such payment amounts within ten (10) days following the Change Date. Such new payment amount shall become effective on the first day of the month immediately following the Change Date.

All payment provisions herein set forth are subject to the provisions hereinafter set forth with respect to redemption prior to maturity as they may become applicable hereto. Upon full and complete payment as provided herein, the Bonds shall be deemed fully paid and retired upon the making of the final payment provided for herein. Upon any transfer and surrender of said Bonds numbered RA-1, RB-1 and/or RC-1 in accordance with the provisions of the Indenture, the Issuer shall execute and deliver a new Bond or Bonds in exchange therefor as provided in the Indenture.

The Bonds are subject to optional redemption, in whole or in part, prior to maturity by the Issuer at the direction of the Company on any Interest Payment Date (if in part by lot in such manner as may be designated by the Trustee) at the redemption price of the principal amount of Original Series 1985 A Bonds and/or Series 1985 B Bonds and/or Series 1985 C Bonds being redeemed plus accrued interest to the redemption date. The redemption date in any such event shall be the date set by the Company for prepayment of the Notes in accordance with the provisions of such Section 6.1(a) of the Loan Agreement.

The Bonds shall also be callable for redemption in whole or in part, upon occurrence of any of the circumstances which operate to require prepayment of the Notes in whole or in part by the Company in accordance with the provisions of Sections 6.1(b) and 6.2 of the Loan Agreement. The redemption date in any of such events shall be the date set by the Company, (or in default thereof, by the Trustee) for



the prepayment of the Notes in whole or in part in accordance with the provisions of the Loan Agreement. The redemption price in any of such events shall be one hundred percent (100%) of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date; provided that upon any call for redemption of the Bonds due to a Determination of Taxability, the redemption price shall be increased by an amount equal to the difference between (a)(i) the aggregate amount of interest which would have been payable on the Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of Interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys' fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds from the date of the Event of Taxability to the redemption date.

The obligation of the Issuer to make monthly payments of interest on and/or principal of the Bonds which remains Outstanding after any partial redemption shall not be affected by such partial redemption, such partial redemption operating instead to shorten the payment schedule and to move the final payment date of the Bonds forward appropriately.

Notice from the Company to the Trustee that the Notes are to be prepaid in whole or in part pursuant to the Agreement shall constitute the direction of the Issuer to the Trustee to shorten the payment schedule and move the final payment date forward, and no separate notice from the Issuer to the Trustee shall be required.

Notice of the call for any redemption of Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Bonds or portions of Bonds to be redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the Issuer by mailing a copy of the redemption notice by registered or certified mail at least thirty days prior to the date fixed for redemption to the Holder or Holders thereof at the address shown on the registration books kept by the Trustee; provided, however, that failure to give such notice to any Bondholder by mailing, or any defects in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Bonds. The Holder or Holders of Bonds may waive any notice of redemption in writing, and in such event, no notice of any kind need be given with respect to the Bonds of such Holder or Holders to be so redeemed.

All Bond Service Charges on Bonds shall be payable by check or draft drawn upon the Trustee and mailed or delivered to the Bondholder at its address as shown on the Bond registration books to be kept by the Trustee; provided however that the final Bond Service Charges shall be payable at the corporate trust office of the Trustee upon presentation and surrender of the Bond at such office. All payments of Bond Service Charges shall be made in lawful money of the United States of America, without deduction for services as paying agent. In addition, upon acceleration of the Bond, the amounts payable upon such acceleration, together with interest thereon at the interest rate for Advances from the date of acceleration, shall continue as an obligation of the Issuer until paid. All payments from the Issuer referred to herein shall be payable solely from the Pledged Receipts.

All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Subject to provisions of the Bond Legislation, Bonds shall be issued as fully registered Bonds, and may be exchanged as provided in the Indenture. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

The Bonds shall be executed on behalf of the Issuer by the Executive and by the Fiscal Officer, provided that any or all of such signatures may be facsimiles, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on any Bond, shall cease to be such officer before the issuance, authentication or delivery of the Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until after that time.

**Section 6. Security for the Bonds.** As provided herein, the Series 1985 A Bonds, the Series 1985 B Bonds, and the Series 1985 C Bonds shall be payable solely from the Series 1985 A Bond Fund, the Series 1985 B Bond Fund, and the Series 1985 C Bond Fund, respectively, and from the Pledged Receipts and secured by a pledge of and lien on the Pledged Receipts and the Series 1985 A Bond Fund, the Series 1985 B Bond Fund, and the Series 1985 C Bond Fund, respectively, and shall be further secured by the Mortgage and the Indenture. In addition, the Bonds may be further secured by such additional collateral as may be agreed upon by the Original Purchaser and the Company. Neither the Bond Legislation, the Bonds, the Indenture, the Loan Agreement, nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect.

**Section 7. Sale of Bonds.** The Bonds are hereby sold and awarded to the Original Purchaser, in accordance with its offer therefor in the Bond Purchase Agreement, at a purchase price of 100% of the principal amount of the Bonds to be purchased by it, aggregating \$1,665,000, plus accrued interest from the date of delivery of the Bonds. The Executive and the Fiscal Officer are authorized and directed to make on behalf of the Issuer the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to such Original Purchaser, and to take all steps necessary to affect due execution, authentication and delivery to the Original Purchaser of the Bonds purchased by it under the terms of this Bond Legislation, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and the sale thereof, all as provided in this Bond Legislation and the Bond Purchase Agreement, are in the best interest of the Issuer and consistent with all legal requirements.

**Section 8. Allocation of Proceeds of Bonds - Construction Funds.** There is hereby created by the Issuer and ordered maintained, as separate deposit accounts (except when invested as hereinafter provided) in the custody of the Trustee, trust funds in the name of the issuer to be designated "City of Fort Wayne - National Plastics Series 1985 A Construction Fund", "City of Fort Wayne - International Packaging Series 1985 B Construction Fund", and "City of Fort Wayne - P-D Realty Series 1985 C Construction Fund." All sums from the sale of the Series 1985 A Bonds, except accrued interest thereon, shall be deposited in the Series 1985 A Construction Fund, all sums from the sale of the Series 1985 B Bonds, except accrued interest thereon, shall be deposited in the Series 1985 B Construction Fund, and all sums from the sale of the Series 1985 C Bonds, except accrued interest thereon, shall be deposited in the Series 1985 C Construction Fund. Such sums shall then be disbursed from the Construction Funds by the Trustee in accordance with the Loan Agreement. The Trustee is authorized and directed to issue its check for each such disbursement. The moneys to the credit of the Construction Funds (including the proceeds from the sale of investments thereof) shall, pending applications thereof as above set forth, be subject to a lien and charge in favor of the Holder.

**Section 9. Source of Payment - Bond Funds.** As provided in the Agreement, Note Payments, sufficient in time and amount to pay the Bond Service Charges as they come due, are to be paid by National Plastics, by International Packaging and by P-D Realty directly

to the Trustee for the account of the Issuer and deposited in the Series 1985 A Bond Fund, in the Series 1985 B Bond Fund, and in the Series 1985 C Bond Fund, respectively.

There is hereby created by the Issuer and ordered maintained, as separate deposit accounts (except when invested as hereinafter provided) in the custody of the Trustee, trust funds to be designated "City of Fort Wayne - National Plastics Series 1985 A Bond Fund", "City of Fort Wayne - International Packaging Series 1985 B Bond Fund", and "City of Fort Wayne - P-D Realty Series 1985 C Bond Fund." Subject to the provisions of the Mortgage, the Bond Funds and the moneys therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond Service Charges as they fall due at stated maturity or by amortization or redemption, all as provided herein and in the Indenture and the Agreement. Except as otherwise provided in this Bond Legislation or in the Mortgage, there shall be deposited into the Bond Funds, as and when received, all Pledged Receipts.

The Issuer covenants and agrees that, until Payment in Full of the Bonds, it will deposit or cause to be deposited in the Series 1985 A Bond Fund, the Series 1985 B Bond Fund, and the Series 1985 C Bond Fund Pledged Receipts sufficient in time and amount to pay the Series 1985 A Bond Service Charges, the Series 1985 B Bond Service Charges, and the Series 1985 C Bond Service Charges, respectively, as the same become due and payable, and to this end the Issuer covenants and agrees that it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholder to fully protect the rights and security of the Bondholder hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges any funds other than the Bond Funds and the Construction Funds or revenues from any source other than Pledged Receipts.

The Issuer covenants and agrees, whenever the moneys and investments in the Series 1985 A Bond Fund, the Series 1985 B Bond Fund, or the Series 1985 C Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem the entire principal amount of the Series 1985 A Bonds, the Series 1985 B Bonds, or the Series 1985 C Bonds, respectively, then Outstanding and to pay interest to accrue thereon to the date or dates of such redemption, and any applicable premiums, to take and cause to be taken, upon notification by the Company or the Trustee, the necessary steps to redeem such Series 1985 A Bonds, Series 1985 B Bonds, or Series 1985 C Bonds, as the case may be, on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

**Section 10. Covenants of Issuer.** In addition to other covenants of the Issuer in the Bond Legislation and the Indenture, the Issuer further covenants and agrees as follows:

(a) **Payment of Bond Service Charges.** The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond Service Charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds.

(b) **Performance of Covenants, Authority and Actions.** The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, Bond Purchase Agreement, the Indenture and the Bonds, required therein to be observed and performed by the Issuer. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, to execute the

Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Notes, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein set forth; that all actions on its part for the issuance of the Bonds, and the execution and delivery of the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Notes, have been or will be duly and effectively taken; and that the Bonds will be valid, binding and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Bond Purchase Agreement, the Agreement and the Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture, Bond Purchase Agreement and Agreement, the Issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Construction Funds, the Bond Funds or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The Issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture; and in pursuance thereof the Company has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 6.9 of the Agreement.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer, Trustee and Bondholder thereunder, including actions at law and in equity, as may be appropriate.

(g) Rights under Agreement. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholder, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.

(h) Arbitrage Provisions. The Issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section.

The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Issuer, or any officer of the Company, and upon receipt of satisfactory indemnities from the Company, to give an appropriate certificate on behalf of the Issuer, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to such Section 103(c) and regulations thereunder.

**Section 11. Investment of Bond Fund and Construction Fund Money.** Moneys in the Bond Funds and the Construction Funds shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any written orders, or oral orders confirmed promptly in writing, of an authorized representative of the Company with respect thereto, provided that investments of moneys in the Bond Funds shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond Service Charges as they fall due at stated maturity or by amortization or redemption, and that such investment of moneys in the Construction Funds shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Funds. Subject to any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Funds to produce sufficient moneys hereunder at the times required for the purposes of paying Bond Service Charges when due as aforesaid. An investment made from moneys credited to the Bond Funds or Construction Funds shall constitute part of the Fund from which it is made and such Fund shall be credited with all proceeds of sale and income or loss from such investment. The Company has covenanted in the Agreement to restrict the use of the proceeds of the Bonds so that they will not constitute arbitrage bonds under the Code.

**Section 12. Authorization of Agreement, Bond Purchase Agreement, Indenture and Assignment.** In order to better secure the payment of the Bond Service Charges as the same shall become due and payable, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the Issuer, the Agreement, the Bond Purchase Agreement, the Indenture and the assignment of the Notes, in substantially the forms submitted to this Issuing Authority, which are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the Legal Officer and by the persons executing the same. The approval of such changes by the Legal Officer and such members, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Agreement, the Bond Purchase Agreement, the Indenture and such assignment by such persons.

The Executive and Fiscal Officer or the Trustee without the signature of the Issuer are each hereby separately authorized to take any and all actions and to execute such financing statements, election statement, certificates and other instruments that may be necessary or appropriate in the opinion of the Legal Officer and bond counsel, in order to effect the issuance of the Bonds and the intent of this Bond Legislation. The Fiscal Officer, or other appropriate officer of the Issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including,

without limitation, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 13. Effective Date. This Bond Legislation shall take effect and be in force immediately upon its adoption.

Ben A. Eisbart  
Councilman

Adopted by Economic Development Commission  
Approved as to form and legality:

John J. Wychet  
John J. Wychet, Attorney for the Fort  
Wayne Economic Development Commission

Dated this 12 day of Dec, 1985

Approved as to form and legality:

Bruce O. Boxberger  
Bruce O. Boxberger, City Attorney  
Dated this 12 day of December, 1985

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-231-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-46 (as amended)

AMENDED SPECIAL ORDINANCE NO. S-232-85

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,000,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1985 (ELEKTRON BUILDING PROJECT), THE PROCEEDS OF WHICH SHALL BE LOANED TO ROBERT S. WALTERS, AN INDIVIDUAL, TO ASSIST IN THE FINANCING OF AN ECONOMIC DEVELOPMENT FACILITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "issuer"), is a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 7, Chapters 11.9 and 12, is authorized and empowered among other things (a) to make a loan for the acquisition, construction, equipping and installation of an economic development facility within the boundaries of the issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction, equipping and installation of the Project, as hereinafter defined, will promote the welfare of the people of the issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the issuer, and that the issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the aggregate principal amount of \$2,000,000 will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 36, Article 7, Chapters 11.9 and 12; and

WHEREAS, the Fort Wayne Economic Development Commission has determined that the acquisition, construction, equipping and installation of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana; and

WHEREAS, this Common Council has previously adopted an ordinance finding and determining that the Project and the Project Site (both as hereinafter defined) is located in an Economic Development Target Area as that term is defined in Indiana Code, Title 36, Article 7, Chapters 11.9 and 12;

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana.

Section 1. **Definitions.** In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"ACT" means Indiana Code, Title 36, Article 7, Chapters 11.9 and 12 and amendments and supplements thereto such as are hereunder adopted.

"AGREEMENT" or "LOAN AGREEMENT" means the Loan Agreement dated as of December 1, 1985, between the Issuer and the Company, and any permitted amendments or supplements thereto.

"BONDS" means the Bonds authorized in Section 3 or 4 hereof, registered in the name of the Holder as to principal and interest, including any Bond issued in exchange therefor as provided in the indenture, and, initially, one (1) fully registered Bond, numbered R-1 in the original principal amount of \$2,000,000.

"BOND FUND" means the Bond principal, premium and interest fund created by Section 9 hereof.

"BONDHOLDER" or "HOLDER" means, initially, the Original Purchaser, and any subsequent person in whose name any Bond is registered; provided that, solely as to the definitions of "Determination of Taxability" and "Event of Taxability", the term "Bondholder" also includes the owner of an undivided participation interest in any Bond.

"BOND LEGISLATION" means this ordinance.

"BOND PURCHASE AGREEMENT" means the Bond Purchase Agreement dated as of December 1, 1985, among the Issuer, the Trustee, the Company and the Original Purchaser, and any permitted amendments or supplements thereto.

"BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period. Any "late charge" and any payment required to be made on the Bonds with interest at the Interest Rate for Advances shall also constitute a Bond Service Charge.

"CODE" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"COMPANY" means Robert S. Walters, an individual, and his successors and assigns, including any surviving, resulting or transferee entity as provided in Section 5.7 of the Agreement.

"COMPLETION DATE" means the date of completion of the acquisition, installation, equipping and construction of the Project as that date shall be certified as provided in Section 3.5 of the Agreement.

"CONSTRUCTION FUND" means the fund created by Section 8 hereof.

"DETERMINATION OF TAXABILITY" means (i) the filing by the Company or any other person or entity of any statement, supplemental statement or other tax schedule, return or document (whether pursuant to Treasury Regulations §1.103-10(b)(2)(v)(c) or otherwise) which discloses that an Event of Taxability has occurred, or (ii) the final assertion by the Internal Revenue Service or any agent thereof to the effect that interest on the Bonds is includable in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code) or (iii) the final adoption of legislation or regulations or a final determination, decision, decree or ruling of any judicial or administrative authority which has the effect of requiring interest on the Bonds to be included in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code). For purposes of clause (iii) in the preceding sentence, a decision, decree or ruling by any judicial or administrative authority shall be considered final upon the expiration or waiver of all periods for judicial review or appeal, as the case may be.

"ELIGIBLE INVESTMENTS" means (i) any bonds or other direct obligations of the United States of America; (ii) obligations of the Federal National Mortgage Association or the Government National Mortgage Association; (iii) bank repurchase agreements issued by a Federal Reserve member bank, including the Trustee, fully secured by obligations of any of the kinds specified in clauses (i) and (ii) above; (iv) time deposits, certificates of deposit or bankers acceptances of banks or trust companies, in-

cluding the Trustee, organized under the laws of the United States of America or any state thereof, which have combined capital and earned and unearned surplus of at least \$40,000,000 in dollars of the United States of America; or (v) commercial paper or finance company paper which is rated not less than prime-one or A-1 or their equivalents by Moody's Investors Service, Inc., or Standard & Poor's Corporation, respectively, or their successors, or both.

"EVENT OF TAXABILITY" means the occurrence of circumstances which a Determination of Taxability shall have found to have occurred, or which shall constitute a Determination of Taxability, and which results in the interest payable on the Bonds becoming includable in the gross income for Federal income tax purposes of any Bondholder (other than a Bondholder who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103 of the Code), such occurrence of circumstances relating to a specific point in time. Without limiting the generality of the foregoing, the incurring of capital expenditures in excess of those permitted under Section 103(b)(6)(D) of the Code, thereby causing any interest payable on the Bond to be includable in the gross income of any Bondholder under the Code, shall constitute an Event of Taxability.

"EXECUTIVE" means the Mayor of the Issuer.

"FINAL MATURITY DATE" means December 1, 2000.

"FISCAL OFFICER" means the City Clerk of the Issuer.

"INDENTURE" means the Trust Indenture dated as of December 1, 1985, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"INTEREST PAYMENT DATE" means the first day of each March, June, September and December commencing March 1, 1986, and continuing quarterly thereafter.

"INTEREST RATE FOR ADVANCES" means the annual rate of interest which is equal to the rate of interest per annum publicly announced by Fort Wayne National Bank from time to time to be the Fort Wayne National Bank Reference Rate, whether or not such Bank shall at times lend to borrowers at lower rates of interest, plus one percent (1%); provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"ISSUING AUTHORITY" means the Common Council of the Issuer.

"LEGAL OFFICER" means either the City Attorney of the Issuer or the Counsel to the Economic Development Commission.

"MORTGAGE" means the Mortgage and Security Agreement dated as of December 1, 1985, whereby the Company has granted to the Trustee, as security for payment of the Note and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"NOTE" means the Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by the Company to the Issuer concurrent with the delivery of the Loan Agreement.

"NOTE PAYMENTS" means any and all payments of principal of and interest, and prepayment premiums or Additional Payments, if any, on the Note.

"ORIGINAL BOND" means one (1) Bond R-1, in the aggregate principal amount of \$2,000,000.

"ORIGINAL PRINCIPAL SUM" means \$2,000,000, the aggregate original face amount of the Bonds.

"ORIGINAL PURCHASER" means Fort Wayne National Bank, Fort Wayne, Indiana.

"OUTSTANDING BOND" or "BOND OUTSTANDING" or "DUTY-OUTSTANDING" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

(a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date,

(b) Any Bond for which sufficient moneys have been deposited with the Trustee for the payment, redemption or purchase for cancellation of, whether upon or prior to the Final Maturity Date or the redemption date of any such Bond, or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

(c) Any Bond in lieu of which another has been authenticated (or payment, when due, of which is made without replacement) under Section 2.04 of the Indenture; and

"PAYMENT IN FULL OF THE BONDS" means the first date when the Bonds are no longer deemed to be outstanding pursuant to Section 8.02 of the Indenture.

"PERSON" means natural persons, firms, associations, corporations and public bodies.

"PLEDGED RECEIPTS" means (a) the Note Payments, (b) subject to the provisions of Sections 3.04, 4.02 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of any Bondholder, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, in respect of the Agreement or the Project, except certain expense, reimbursement and indemnity payments which are, pursuant to the provisions of the Agreement, to be made by the Company directly to the Issuer or the Trustee, (c) any moneys on deposit in the Construction Fund or the Bond Fund and (d) the income and profit from the investment of any moneys while held in the Construction Fund or the Bond Fund.

"PROJECT" means the Project Site and the real, personal, or real and personal property, including undivided interests or other interests therein, identified in Exhibit A to the Agreement, or acquired, constructed or installed as a replacement or substitution therefor or an addition thereto, or as may result from a revision of the plans and specifications therefor in accordance with the provision of the Loan Agreement or Mortgage.

(d) For the purpose of determining whether the Holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Company or any person owned, controlled by, under common control with or controlling the Company shall be disregarded and deemed to be not outstanding. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"PROJECT SITE" means the real estate and interests in real estate constituting the site of and part of the Project, as described in Exhibit B to the Agreement.

"STATE" means the State of Indiana.

"TAXABLE RATE OF INTEREST" means the Interest Rate for Advances

"TRUSTEE" means the Trustee at the time acting as such under the Indenture, originally Fort Wayne National Bank, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, the Issuing Authority, or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner, at the times, and from the sources provided in the Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, any pronoun shall be deemed to cover all genders, and the terms "herein", "hereof", "hereby", "hereunder", and similar terms, mean this Bond Legislation and the Indenture and not solely the portion hereof in which any such word is used.

Section 2. Determination of Issuing Authority Pursuant to the Act, the Issuing Authority hereby finds and determines that the Project is an "economic development facility" as defined in the Act and that all actions required under the Act to be taken by the Issuer prior to the issuance of the Bonds have been duly authorized and completed.

Section 3. Authorization of Bonds It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds in the aggregate principal amount of \$2,000,000 for the purpose of financing costs of acquiring, constructing, equipping and installing the Project, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Loan Agreement and the Bond Purchase Agreement. The Bonds shall be designated "Economic Development Revenue Bonds Series 1985 (Elektron Building Project)."

Section 4. Additional Bonds One or more series of Bonds in addition to the Original Bonds (herein referred to as "Additional Bonds") may, with the consent of the Holders of all Bonds then outstanding, be authenticated and delivered from time to time for one or more of the purposes of (i) refunding entirely one or more series of Bonds outstanding hereunder, if such Bonds may otherwise be refunded, (ii) advance refunding entirely one or more series of Bonds outstanding hereunder, regardless of whether such Bonds may otherwise be refunded, if the same is then permitted by law by depositing with the Trustee, in trust for the sole benefit of such series of Bonds, cash or investments (but only to the extent that the full faith and credit of the United States of America are pledged to the timely payment thereof) in a principal amount which will, together with the income or increment to accrue thereon, be sufficient to pay and redeem (when redeemable) and discharge such series of Bonds at or before their respective maturity dates, and (iii) financing the cost or estimated cost of



completing the Project or of acquiring, equipping, constructing and/or renovating additional improvements to the Project, and, in each case, obtaining additional funds to pay the costs to be incurred in connection with such Additional Bonds, to establish reserves with respect thereto and to pay interest during the estimated construction period of completing the additional improvements, if any. Each series of Additional Bonds issued hereunder shall be equal in aggregate principal amount to the principal amount of the Additional Note being then currently issued.

Prior to the delivery by the Issuer of any of such Additional Bonds, there shall be filed with the Trustee.

1. A supplement to this Indenture executed by the Issuer and the Trustee authorizing the issuance of such Additional Bonds, specifying the terms thereof, pledging and assigning the Additional Note being then currently issued as security therefor and providing for the disposition of the proceeds of the sale thereof.
2. The supplement or amendment to the Loan Agreement and the other instruments, documents, certificates and opinions referred to in Section 5.2 of the Loan Agreement.
3. The Additional Note being then concurrently issued, made payable to the order of the issuer, duly executed by the Company and endorsed by the Issuer to the order of the Trustee.
4. A copy, duly certified by the Fiscal Officer of the Issuer, of the ordinance theretofore adopted and approved by the Issuer authorizing the execution and delivery of such supplemental Indenture and such supplement to the Loan Agreement and the issuance of such Additional Bonds.
5. A Written Request of the Issuer to the Trustee to authenticate and deliver such Additional Bonds.
6. Written consent to the issuance of Additional Bonds by the Holders of all of the Bonds then outstanding.

Any Additional Bonds issued in accordance with the terms of this Section shall be secured by this Indenture and shall be equally and ratably payable from all Notes issued under the Loan Agreement, but such Additional Bonds may bear such date or dates, such interest rate or rates, and with such maturities, redemption dates and premiums as may be agreed upon by the Issuer and the purchaser of such Additional Bonds.

**Section 5. Terms of Bonds.** The Bonds shall be issued in fully registered form and shall be exchangeable for fully registered Bonds in the manner and on the terms provided in the Indenture, shall be numbered from R-1 upwards, and shall be in substantially the form set forth therefor in the Indenture.

Bonds shall be in the denominations of \$5,000 and any multiple thereof, and shall be of a single maturity of the same series; provided that the Fiscal Officer with the approval of the Trustee may authorize issuance of one or more Bonds representing more than one maturity of the same series with appropriate changes in the form of such a Bond to cover more than one maturity, such approval and authorization to be evidenced as provided in the Indenture.

Each Bond shall be dated as of the date of its delivery or exchange; provided that if at the time of authentication of any Bond interest is in default thereon, such Bond shall be dated as of the date to which interest has been paid, and Bonds initially delivered to the Original Purchaser shall be dated as of December 1, 1985.

The Bonds being initially delivered to Fort Wayne National Bank, as the Original Purchaser, shall be one (1) Bond numbered R-1 in the

original aggregate principal amount of \$2,000,000 with interest thereon (computed on the basis of a 360-day year and paid for actual days elapsed) at a rate of seventy-five percent (75%) of the rate of interest per annum publicly announced by Fort Wayne National Bank from time to time to be the Fort Wayne National Bank Reference Rate, whether or not such Bank shall at times lend to borrowers at lower rates of interest (the "Bond Interest Rate").

The initial Bond Interest Rate shall be determined as of the date of delivery of the Bonds to the Original Purchaser thereof and shall be subject to adjustment as and when the Fort Wayne National Bank Reference Rate changes. Any Bond Interest Rate adjustment made in accordance with the provisions hereof shall become effective immediately upon such adjustment, excepting that the effective date for any Bond Interest Rate adjustment occurring during the 10-day period immediately preceding an Interest Payment Date shall be deferred to such Interest Payment Date. The Trustee shall notify the Company in writing of any Bond Interest Rate adjustment within five (5) days following the effective date of such adjustment.

Interest shall be payable in quarterly installments on the unpaid principal of the Bonds Outstanding commencing on March 1, 1986, and on the first day of each June, September, December and March thereafter until the Bonds have been paid in full. Principal installments shall be payable on the dates and in the amounts as set forth in the following schedule:

Principal Payment Date	Amount
December 1, 1991	\$ 50,000
December 1, 1992	50,000
December 1, 1993	50,000
December 1, 1994	100,000
December 1, 1995	150,000
December 1, 1996	200,000
December 1, 1997	200,000
December 1, 1998	200,000
December 1, 1999	200,000
December 1, 2000	800,000

The balance of principal together with accrued interest shall, in any event, be due and payable on December 1, 2000.



All payment provisions herein set forth are subject to the provisions hereinafter set forth with respect to redemption prior to maturity as they may become applicable hereto. Upon full and complete payment as provided herein, the Bonds shall be deemed fully paid and retired upon the making of the final payment provided for herein. Upon any transfer and surrender of said Bond numbered R-1 in accordance with the provisions of the Indenture, the Issuer shall execute and deliver a new Bond or Bonds in exchange therefor as provided in the Indenture.

The Bonds are subject to optional redemption, in whole or in part, prior to maturity by the Issuer at the direction of the Company on any Interest Payment Date, except that there shall not be permitted any prepayment on or before December 1, 1988, with funds obtained from an entity in competition with the Original Purchaser. Any prepayment amount may consist of the entire principal amount of the Bonds then outstanding, or any part thereof, except that if less than the entire amount, then such partial prepayment amount shall be a multiple of \$5,000, plus accrued interest to the redemption date. The redemption date in any such event shall be the date set by the Company for prepayment of the Note in accordance with the provisions of such Section 7.1(a) of the Loan Agreement.

The Bonds shall also be callable for redemption in whole or in part, upon occurrence of any of the circumstances which operate to require prepayment of the Note in whole or in part by the Company in accordance with the provisions of Sections 7.1(b) and 7.2 of the Loan Agreement. The redemption date in any such events shall be the date set by the Company, (or in default thereof, by the Trustee) for the prepayment of the Note in whole or in part in accordance with the provisions of the Loan

Agreement. The redemption price in any of such events shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date, provided that upon any call for redemption of the Bonds due to a Determination of Taxability, the redemption price shall be increased by an amount equal to the difference between (a)(i) the aggregate amount of interest which would have been payable on the Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds from the date of the Event of Taxability to the redemption date.

The Bonds shall also be callable for redemption in whole, but not in part, by the Issuer at the option and direction of the Holders in majority amount Outstanding of the Bonds, on December 1, 1995, or at any time thereafter. The redemption date in any such event shall be the date set by the Trustee in accordance with the provisions of Section 7.3 of the Loan Agreement.

Notice by the Holders in majority amount Outstanding of the Bonds that they intend to exercise their option to cause the Issuer to call the Bonds for redemption, as provided above, shall be given by such Holders to the Trustee, the Company and the Issuer by mailing a copy of such notice by registered or certified mail at least ninety (90) days prior to the date fixed for redemption.

The obligation of the Issuer to make payments of interest on and/or principal of the Bonds which remains outstanding after any partial redemption shall not be affected by such partial redemption, such partial redemption operating instead to pay and redeem the principal of this Bond at dates earlier than the originally scheduled principal amortization dates, in inverse chronological order.

Notice from the Company to the Trustee that the Note is to be prepaid in whole or in part pursuant to the Agreement shall also constitute direction by the Issuer to the Trustee to shorten the payment schedule and move the final payment date forward, and no separate notice from the Issuer to the Trustee shall be required.

Notice of the call for any redemption of Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Bonds or portions of Bonds to be redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the Issuer by mailing a copy of the redemption notice by registered or certified mail at least thirty (30) days prior to the date fixed for redemption to the Holder or Holders thereof at the address shown on the registration books kept by the Trustee, provided, however, that failure to give such notice to any Bondholder by mailing, or any defects in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Bonds. The Holder or Holders of Bonds may waive any notice of redemption in writing, and in such event, no notice of any kind need be given with respect to the Bonds of such Holder or Holders to be so redeemed.

All Bond Service Charges on Bonds shall be payable by check or draft drawn upon the Trustee and mailed or delivered to the Bondholder at its address as shown on the Bond registration books to be kept by the Trustee; provided, however, that the final Bond Service Charges shall be payable at the corporate trust office of the Trustee upon presentation and surrender of the Bond at such office. All payments of Bond Service Charges shall be made in lawful money of the United States of America, without deduction for services as paying agent. In addition, upon acceleration of the Bond, the amounts payable upon such acceleration, together with interest thereon at the Interest Rate for Advances from the date of acceleration, shall continue as an obligation of the Issuer until paid. All

payments from the Issuer referred to herein shall be payable solely from the Pledged Receipts.

All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Subject to provisions of the Bond Legislation, Bonds shall be issued as fully registered Bonds, and may be exchanged as provided in the Indenture. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

The Bonds shall be executed on behalf of the Issuer by the Executive and by the Fiscal Officer, provided that any or all of such signatures may be facsimiles, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on any Bond, shall cease to be such officer before the issuance, authentication or delivery of the Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until after that time.

**Section 6. Security for the Bonds.** As provided herein, the Bonds shall be payable solely from the Bond Fund and the Pledged Receipts and secured by a pledge of and lien on the Pledged Receipts and the Bond Fund, and shall be further secured by the Mortgage, the Indenture, and such other collateral as is agreed upon by the Company, the Issuer and the Trustee. Neither the Bond Legislation, the Bonds, the Indenture, the Loan Agreement, nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect.

**Section 7. Sale of Bonds.** The Bonds are hereby sold and awarded to the Original Purchaser, in accordance with its offer therefor in the Bond Purchase Agreement, at a purchase price of 100% of the principal amount of the Bonds to be purchased by it, aggregating \$2,000,000, plus accrued interest from the date of delivery of the Bonds. The Executive and the Fiscal Officer are authorized and directed to make on behalf of the Issuer the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to such Original Purchaser, and to take all steps necessary to effect due execution, authentication and delivery to the Original Purchaser of the Bonds purchased by it under the terms of this Bond Legislation, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and the sale thereof, all as provided in this Bond Legislation and the Bond Purchase Agreement, are in the best interest of the Issuer and consistent with all legal requirements.

**Section 8. Allocation of Proceeds of Bond - Construction Fund.** There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund in the name of the Issuer to be designated "City of Fort Wayne - Robert S. Walters Construction Fund." All of the sums from the sale of the Bonds, except accrued interest on the Bonds, shall be deposited in the Construction Fund and disbursed by the Trustee in accordance with the Loan Agreement. The Trustee is authorized and directed to issue its check for each such disbursement. The moneys to the credit of the Construction Fund (including the proceeds from the sale of investments thereof) shall, pending applications thereof as above set forth, be subject to a lien and charge in favor of the Holder.

**Section 9. Source of Payment - Bond Fund.** As provided in the Agreement, Note Payment, sufficient in time and amount to pay the Bond Service Charges as they come due, are to be paid by the Company directly to the Trustee for the account of the Issuer and deposited in the Bond Fund.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in

or create any lien or encumbrance upon the Construction Fund, the Bond Fund or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) **Recordings and Filings.** The Issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture; and in pursuance thereof the Company has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 6.9 of the Agreement.

(e) **Inspection of Project Books.** All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) **Maintenance of Agreement.** The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer, Trustee and Bondholder thereunder, including actions at law and in equity, as may be appropriate.

(g) **Rights Under Agreement.** The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholder, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.

(h) **Arbitration Provisions.** The Issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Issuer, or any officer of the Company, and upon receipt of satisfactory indemnities from the Company, to give an appropriate certificate on behalf of the Issuer, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to such Section 103(c) and regulations thereunder.

Section 11. Investment of Bond Fund and Construction Fund Money. Moneys in the Bond Fund and the Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any written orders, or oral orders confirmed promptly in writing, of an authorized representative of the Company with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond Service Charges as they fall due at stated maturity or by amortization or redemption, and that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Fund. Subject to

any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys hereunder at the times required for the purposes of paying Bond Service Charges when due as aforesaid. An investment made from moneys credited to the Bond Fund or Construction Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income or loss from such investment. The Company has covenanted in the Agreement to restrict the use of the proceeds of the Bonds so that they will not constitute arbitrage bonds under Section 103(c) of the Code.

Section 12. Authorization of Agreement, Bond Purchase Agreement, Indenture and Assignment. In order to better secure the payment of the Bond Service Charges as the same shall become due and payable, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the Issuer, the Agreement, the Bond Purchase Agreement, the Indenture and the assignment of the Note, in substantially the forms submitted to this Issuing Authority, which are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the Legal Officer and by the persons such members, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Agreement, the Bond Purchase Agreement, the Indenture and such assignment by such persons.


The Executive and Fiscal Officer are each hereby separately authorized to take any and all actions and to execute such financing statements, election statement, certificates, and other instruments that may be necessary or appropriate in the opinion of the Legal Officer and bond counsel, in order to effect the issuance of the Bonds and the intent of this Bond Legislation. The Fiscal Officer, or other appropriate officer of the Issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the Issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 13. Effective Date. This Bond Legislation shall take effect and be in force immediately upon its adoption.

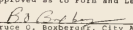
Ben A. Eisbart  
Councilman

Adopted by Economic Development Commission  
Approved as to form and legality:

  
John J. Wernet, Attorney for the  
Fort Wayne Economic Development  
Commission

Dated this 9th day of December, 1985

Approved as to Form and Legality:

  
Bruce C. Boxberger, City Attorney  
Dated this 9th day of December, 1985

Read the third time in full and on motion by Eisbart,  
seconded by Redd, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana as Special Ordinance No. S-232-85 on the 10th  
day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City ClerkJames S. Stier  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-47

SPECIAL ORDINANCE NO. S-233-85

ORDINANCE AUTHORIZING THE CITY OF  
FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT  
FIRST MORTGAGE REVENUE BONDS SERIES  
1985 (MULLINEX PACKAGES, INC. PROJECT)"  
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for Mullinex Packages, Inc., regarding the financing of proposed economic development facilities for the Project and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 21, 1985, and also adopted a resolution on November 21, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Mullinex Packages, Inc., complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Third Amendment to and Supplement of Lease Agreement, and Guaranty Agreement; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Mullinex Packages, Inc. for the acquisition and construction of such facilities and the equipping thereof, and the payment of the revenue bonds by the payments of Mullinex Packages, Inc., under the Loan Agreement, complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of a 24,850 sq. ft. addition to existing building together with acquisition of coextrusion and thermoforming equipment and lines, and fixtures, located at 3511 Engle Road, Fort Wayne, Indiana (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Third Amendment to and Supplement of Mortgage and Indenture of Trust, Third Amendment to and Supplement of Lease Agreement, and Guaranty Agreement approved by the Fort Wayne Economic Development Commission are hereby approved and each shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of each of said documents are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds Series 1985 (Mullinex Packages, Inc. Project) in the total principal amount of Three Million Dollars (\$3,000,000.00) and maturing October 1, 2000. Said bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Third Amendment to and Supplement of Mortgage and Indenture of Trust and Lease Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by Mullinex Packages, Inc., and payments made under the building lease or as otherwise provided for under said indenture and agreement. The bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple of \$5,000 in excess thereof provided that the bonds may be issued in the denomination of \$5,000 or any integral multiple thereof if necessary to evidence the undredeemed portion of any bond. The bonds shall be redeemable as provided in Article III of the Third Amendment to and Supplement of Mortgage and Indenture of Trust. Payments of principal and interest are payable in lawful money of the United States of America. Payments of principal are payable at the principal office of the Trustee or its successor in trust. Payments of interest are payable by check mailed to the registered owner as of the Record Date as provided in the Third Amendment to and Supplement of Mortgage and Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the

City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a price of not less than 100% of the principal amount thereof. The bonds shall bear interest at a rate of interest of 70% of the prime commercial lending rate announced by Lincoln National Bank and Trust Company of Fort Wayne, at its principal office in Fort Wayne, Indiana, as such rate changes from day to day or such other rate as provided for in the Third Amendment to and Supplement of Mortgage and Indenture of Trust.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City which are approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Third Amendment to and Supplement of Mortgage and Indenture of Trust, and payment for the bonds will be made to the Trustee named in the Third Amendment to and Supplement of Mortgage and Indenture of Trust and after such payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this ordinance. The bonds shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Third Amendment to and Supplement of Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the Mortgage Revenue Bonds Series 1985 (Mullinex Packages, Inc., Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereof remain unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One

GiaQuinta

DATE: 12-10-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-233-85 on the 10th day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

James S. Stier  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-48

SPECIAL ORDINANCE NO. S-234-85

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BOND, SERIES 1985 (RICHARD J. FREELAND PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Richard J. Freeland Project regarding the financing of proposed economic development facilities for the Project and the Fort Wayne Plan Commission has commended favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on November 21, 1985, and also adopted a resolution on November 21, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Richard J. Freeland complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Trust Indenture, Loan Agreement, Mortgage and Security Agreement, Lease, Lessee's Consent and Agreement to Lease Assignment, and Conditional Assignment of Lease and Rentals; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Richard J. Freeland for the acquisition and construction of such facilities and the equipping thereof, and the payment of the revenue bonds by the payments of Richard J. Freeland under the Loan Agreement, complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of acquisition of real estate and construction of office, administrative, and training facilities, together with acquisition of furniture and equipment, for lease to Pizza Huts of Fort Wayne, Inc., said project to be located at 7100

W. Jefferson Blvd., Allen County, Indiana (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of act set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Trust Indenture, Loan Agreement, Mortgage and Security Agreement, Lease Lessee's Consent and Agreement to Lease Assignment, and Conditional Assignment of Lease and Rentals, approved by the Fort Wayne Economic Development Commission are hereby approved and each shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of each of said documents are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne shall issue its Economic Development Revenue Bond, Series 1985 (Richard J. Freeland Project). in the total principal amount of One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000.00) and maturing December 1, 2000. Said bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Security Agreement and Trust Indenture incorporated herein by reference, which bond will be payable as to principal, premium, if any, and interest from the payments made by Richard J. Freeland and payments made under the building lease or as otherwise provided for under the Loan Agreement, Mortgage and Security Agreement and Trust Indenture. The bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple of \$5,000 in excess thereof provided that the bonds may be issued in the denomination of \$5,000 or any integral multiple thereof if necessary to evidence the unredeemed portion of any bond. The bonds shall be redeemable as provided in Article V of the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States of America. Payments of principal are payable at the principal office of the Trustee or its successor in trust. Payments of interest are payable by check mailed to the registered owner as of the Record Date as provided in the Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the



City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a price of not less than 100% of the principal amount thereof. The bonds shall bear interest at a rate of interest of 9 1/2% per annum or at such other rate as provided for in the Trust Indenture.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City which are approved herein on behalf of the City and any other document which may necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance which the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereof; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Trust Indenture, and payment for the bonds will be made to the Trustee named in the Trust Indenture and after such payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this Ordinance. The bonds shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Trust Indenture securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond, Series 1985 (Richard J. Freeland Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart,  
seconded by Redd, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. 234-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor



## SPECIAL ORDINANCE NO. S-235-85

ORDINANCE AUTHORIZING THE CITY OF FORT  
WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT REVENUE BOND  
SERIES 1985 (LINCOLN MANUFACTURING COMPANY, INC.  
PROJECT)" AND APPROVING OTHER ACTIONS  
IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Lincoln Manufacturing Company, Inc., Project regarding the financing of proposed economic development facilities for the Project and the Allen County Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 5, 1985, and also adopted a resolution on December 5, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Lincoln Manufacturing Company complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Trust Indenture, Loan Agreement, Mortgage and Security Agreement, and Lease; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Lincoln Manufacturing Company for the acquisition and construction of such facilities and the equipping thereof, and the payment of the revenue bonds by the payments of Lincoln Manufacturing Company under the Loan Agreement, complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of construction of a 72,000 sq. ft. addition to existing facilities for use in manufacturing and warehousing and research and development, said facility to be located at 1111 N. Hadley

Road, Allen County, Indiana (the "Project").

SECTION 3. At the public hearing held by the Fort Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the finds set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of fort Wayne.

SECTION 4. The substantially final forms of the Trust Indenture, Loan Agreement, Mortgage and Security Agreement and Lease, approved by the Fort Wayne Economic Development Commission are hereby approved and each shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of each of said documents are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne shall issue its Economic Development Revenue Bond Series 1985 (Lincoln Manufacturing Company, Inc. Project), in the total principal amount of Two Million One Hundred Thousand Dollars (\$2,000,000.00) and maturing December 1, 1995. Said bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Mortgage and Security Agreement and Trust Indenture incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by Lincoln Manufacturing Company, Inc., as provided for under the Loan Agreement, Mortgage and Security Agreement and Trust Indenture. The bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple of \$5,000 in excess thereof provided that the bonds may be issued in the denomination of \$5,000 or any integral multiple thereof if necessary to evidence the unredeemed portion of any bond. The bonds shall be redeemable as provided in Article V of the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States of America. Payments of principal are payable at the principal office of the Trustee or its successor in trust. Payments of interest are payable by check mailed to the registered owner as of the Record Date as provided in the Indenture of Trust. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by

taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a price of not less than 100% of the principal amount thereof. The bonds shall bear interest at a rate of interest of 75% of the prime rate not capped of Summit Bank, Fort Wayne, Indiana, as such rate changes from time to time or at such other rate as provided forth the Trust Indenture.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City which are approved herein, on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signature of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in the Trust Indenture, and payment for the bonds will be made to the Trustee named in the Trust Indenture and after such payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this ordinance. The bonds shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Trust Indenture securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond, Series 1985 (Lincoln Manufacturing Company, Inc. Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-235-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-50

SPECIAL ORDINANCE NO. S-236-85

AN ORDINANCE approving a Contract to be entered into by and between the City of Fort Wayne, Indiana, and Pro-Trac Engineering, Inc.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed Contract to be entered into by and between the City of Fort Wayne, Indiana, and Pro-Trac Engineering, Inc., is attached hereto as a part hereof as "Exhibit A".

SECTION 2. That it is hereby approved that the Members of the Board of Public Works and Safety, of the City of Fort Wayne, are empowered and authorized to execute said Contract.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-236-85 on the 10th day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City ClerkJames S. Stier  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-51

## SPECIAL ORDINANCE NO. S-237-85

AN ORDINANCE approving Civil City Purchase Orders #A-45681, #A-45682, #A-45683 and #A-45684, with Jackson Wrecking, Miller & Associates, Richard Ness Excavating and Martin Enterprises, respectively, for the Community Development and Planning Division through the Safe Housing Enforcement Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders #A-45681, #A-45682, #A-45683 and #A-45684, between the City of Fort Wayne, by and through the Civil city Purchasing Agent and the Department of Purchasing, with Jackson Wrecking, Miller & Associates, Richard Ness Excavating and Martin Enterprises, respectfully for:

the demolition of various structures throughout the City of Fort Wayne for the Community Development and Planning Division through the Safe Housing Enforcement Division;

involving a total cost of Twenty-Nine Thousand Three Hundred Twelve and No/100 Dollars (\$29,312.00; Jackson Wrecking - \$13,434.00; Miller & Associates - \$7,068.00; Richard Ness Excavating - \$6,810.00; and Martin Enterprises - \$2,000.00), all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Bardbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: one

GiaQuinta

DATE: 12-10-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-237-85 on the 10th day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy      James S. Stier  
City Clerk              Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-52

SPECIAL ORDINANCE NO. S-238-85

AN ORDINANCE approving a Contract for Res. #6034-85, Rudisill Street Trees, by and between The Plantation Supply Company, Inc., and the City of Fort Wayne, Indiana, in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. #6034-85, Rudisill Street Trees, by the City of Fort Wayne, by and through its Board of Public Works and Safety and The Plantation Supply Company, Inc., is hereby ratified, and affirmed and approved in all respects. The work under said Contract requires:

the supply and installation of approximately 70 shade trees, the portion of Rudisill Blvd. between Harrison and Avondale Drive. This work will complete the restoration of construction work started in 1984 and will result in improved environment with the plans, details, and specifications on file;

the Contract price is Eighteen Thousand Eight Hundred Seventy-Seven and 25/100 Dollars (\$18,877.25).

SECTION 2. Prior Approval was received from Common Council with respect to this Contract, on October 8, 1985. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None

ABSENT: One  
GlaQuinta

DATE: 12-10-85      Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-238-85 on the 10th day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy      James S. Stier  
City Clerk              Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-01

SPECIAL ORDINANCE NO. S-239-85

ORDINANCE DESIGNATING THE BOARD OF PUBLIC WORKS AND SAFETY AS LEASING AGENT FOR THE CITY OF FORT WAYNE, INDIANA; APPROVING THE LEASE OF CERTAIN PROPERTY BY THE CITY OF FORT WAYNE, INDIANA AND/OR ITS MUNICIPALLY OWNED UTILITIES; APPROVING A FORM OF LEASE; AUTHORIZING ACCEPTANCE OF A LESSOR; AND APPROVING OTHER ACTIONS WITH RESPECT THERETO

WHEREAS, the City of Fort Wayne and its municipally owned utilities need to acquire an extensive number of items of personal property for continued effective operations; and

WHEREAS, the Board of Public Works and Safety has, in the past, generally coordinated the acquisition of items of personal property and has let bids therefore; and

WHEREAS, numerous bids have been let for the acquisition of items of personal property, and this Common Council has approved the acquisition of said items of personal property; and

WHEREAS, this Common Council now deems it in the public interest to lease said items of personal property rather than purchase said items; and

WHEREAS, sufficient money has been appropriated and sufficient net revenues are available from the City's municipally owned utilities to make lease rental payments on a timely basis as required for the leasing of said property; and

WHEREAS, a form of lease with option to purchase has been reviewed and is deemed appropriate for the lease of said items of personal property by the City and/or its utilities; and

WHEREAS, notices have been published requesting proposals from lessors to acquire the items of personal property and to lease same to the City and its utilities, pursuant to the terms and conditions contained in the form of lease; and

WHEREAS, the proposed lease provides for fair and reasonable rental and other equitable terms and conditions and, further, that the execution of said lease will permit the use and acquisition of said property within the present financial capabilities of the City and its utilities and therefore same is in the public interest.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. This Common Council finds that the Board of Public Works and Safety should be and hereby is designated as the leasing agent for the City of Fort Wayne, Indiana and its utilities for the transactions herein contemplated.

SECTION 2. The Common Council of the City of Fort Wayne hereby authorizes the City and its utilities to lease, as lessees, those items of personal property listed on the attached Exhibit "A" made a part hereof. It is understood that the exact lessor purchase costs for such items of personal property listed on the Exhibit "A" shall be determined in accordance with bidding procedures of this City and accordingly subject to approval by this council.

SECTION 3. The form of the lease, with option to purchase, for said lease is attached hereto as a part hereof, as Exhibit "B". This form of lease, with option to purchase, shall be used by the City and its utilities for the transactions herein contemplated and said form of lease is hereby approved and ratified. This lease form may be modified only to the extent that such modifications are not material in form or consideration. Authority is hereby given for the Board of Public Works and Safety to enter into one lease or two leases as determined by the City Attorney and Bond Counsel.

SECTION 4. The Board of Public Works and Safety of the City of Fort Wayne is hereby designated as the City's leasing agent herein and as said leasing agent is empowered and authorized to award lessor rights to the most responsive and responsible bidder.

SECTION 5. The Mayor and the Board of Public Works and Safety are empowered and authorized to execute, on behalf of the City and its utilities, leases and other documents as contemplated herein with the lessor so selected.

SECTION 6. Lease payments for all Civil City leases entered into hereunder shall be subject to annual appropriation by this Council.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Seven  
Bradbury, Burns, Eisbart, Henry, Redd,  
Stier, Talarico

NAYS: One  
Schmidt  
ABSTAINED: None  
ABSENT: One  
GlaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-239-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-39

RESOLUTION NO. R-146-85

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$2,000,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA FOR THE PURPOSE OF INDUCING THE APPLICANT ROBERT S. WALTERS TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT



WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Robert S. Walters (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of Lots 92, 93 and 94 of the Original Plat to the City of Fort Wayne together with reconstruction and renovation of the 40,000 sq. ft. Elektron Building located at 215 E. Berry Street, Fort Wayne, Indiana, to be leased to Barrett, Barrett & McNaghy, together with costs of issuance and construction period interest (the "Project"); and

WHEREAS, the diversification of industry and an increase in 10 to 15 new jobs within three years to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.



SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-146-85 on the 10th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-40

#### RESOLUTION NO. R-147-85

A RESOLUTION FINDING, DETERMINING  
AND RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
AUTHORIZING THE ISSUANCE AND SALE OF  
\$2,000,000.00 ECONOMIC REVENUE BONDS OF THE  
CITY OF FORT WAYNE, INDIANA FOR THE  
PURPOSE OF INDUCING THE APPLICANT WEST MAIN  
PARTNERSHIP TO PROCEED WITH THE ACQUISITION  
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, West Main Partnership (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of real estate and construction of Building "B" to Merrill Lynch Plaza as approved by Fort Wayne Redevelopment Commission, together with equipping thereof, for lease to Gallucci, Hopkins & Thiesen, said project located at 130 West Main Street, Fort Wayne, Indiana, including costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase in 35 new jobs immediately and 75 new jobs within three years to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Bradbury, Burns, Eisbart, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One

GiaQuinta

DATE: 12-10-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-147-85 on the 10th day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

James S. Stier  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-53

RESOLUTION NO. R-148-85

A RESOLUTION of the Common Council  
of the City of Fort Wayne, Indiana,  
authorizing the adoption and implementation  
of a 401 (k) Plan

WHEREAS, the City, with its limited resources, is interested in compensating its employees in the most cost-effective fashion; and

WHEREAS, 401 (k) of the Internal Revenue Code allows for the adoption of a Plan that would compensate City employees in a cost-effective manner to the benefit of the City and its employees who were participants under such Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Approval and authority is hereby given for the City to adopt a 401 (k) Plan and that such Plan is hereby adopted and ratified.

SECTION 2. That the Mayor and City Controller are hereby authorized to execute all documents necessary to effectuate the existence of such a Plan effective upon passage of this Resolution provided, however, that no monies will be spent or paid under or pursuant to such Plan without approval of the City Council.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Bradbury, Burns, Eisbart, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One

GiaQuinta

DATE: 12-10-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-148-85 on the 10th day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy      James S. Stier  
City Clerk              Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-57

A DECLARATORY RESOLUTION NO. R-149-85

A DECLARATORY RESOLUTION confirming  
the designation of an "Economic  
Revitalization Area" under  
I.C. 6-1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

the West 40 feet of Lot #482 of  
Hanna Addition to the City of Fort  
Wayne, County of Allen, State of  
Indiana;

said property more commonly known as Southeast corner of Wayne and Harrison Streets, Fort Wayne, Indiana 46802;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

647

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart,  
seconded by Redd, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GlaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana as Resolution No. R-149-85 on the 10th day  
of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 11th day of December, 1985, at the hour of 11:00  
o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December,  
1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-59

DECLARATORY RESOLUTION NO. R-150-85

A DECLARATORY RESOLUTION confirming the  
designation of an "Economic  
Revitalization Area" under  
I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by  
Declaratory Resolution the following described property as an  
"Economic Revitalization Area" under Division 6, Article II,  
Chapter 2 of the Municipal Code of the City of Fort Wayne,  
Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Part of Block 34, Interstate Industrial Park,  
Section "H", an Addition to the City of Fort  
Wayne, Indiana, more particularly described  
as follows, to-wit:

Beginning on the North line of said Block 34  
at a point situated 300.0 feet North 90  
degrees 00 minutes West (deed bearing) from  
the Northeast corner of said Block 34;  
thence North 90 degrees 00 minutes West, on  
and along said North line, being also the  
South right-of-way line of Research Drive, a  
distance of 229.3 feet; thence South 00  
degrees 00 minutes West and parallel to the  
East line of said Block 34, a distance of  
400.0 feet to a point on the south line of  
said Block 34; thence South 90 degrees 00  
minutes East, on and along said South line, a  
distance of 229.3 feet; thence North 00  
degrees 00 minutes East and parallel to the  
East line of said Block 34, a distance of  
400.0 feet to the point of beginning;

said property more commonly known as Research Drive, Interstate  
Industrial Park, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the  
Committee on Finance and the Department of Economic Development  
concerning said Resolution;

WHEREAS, notice of the adoption and substance of said  
Resolution has been published in accordance with I.C. 5-3-2 and a  
public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation Area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GlaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-150-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-61

DECLARATORY RESOLUTION NO. R-151-85

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Lot Number 95 of the Original Plat to the Town, now City of Fort Wayne, Allen County, Indiana;

said property more commonly known as 215 East Berry Street, Fort Wayne, Indiana 46802;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-151-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-73

RESOLUTION NO. R-152-85

A RESOLUTION ratifying the transfer of funds from Account No. 132, Parking Administration Fund, to Account No. 010, General Fund

WHEREAS, a transfer from Account No. 132, Parking Administration Fund, to Account No. 010, General Fund, was anticipated and approved in the preparation of the 1985 budget of the General Fund, and for which adequate funds exist in Account 132, and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the transfer by the Controller of the City of Fort Wayne, Indiana, of Twenty-five Thousand Dollars (\$25,000) from Account 132, Parking Administration Fund, to Account 010, General Fund is hereby approved and ratified all in accordance with the 1985 budget of the City of Fort Wayne and in accordance with I.C. 36-9-12-7.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-152-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy  
City Clerk

James S. Stier  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-74

RESOLUTION NO. R-153-85

A RESOLUTION ratifying the transfer of funds from Account No. 345, Cumulative Capital Fund, to Account No. 010, General Fund

WHEREAS, a transfer from Account No. 345, Cumulative Capital Fund, to Account No. 010, General Fund, was anticipated and approved in the preparation of the 1985 budget of the General Fund, and for which adequate funds exist in Account 345, and which transfer has been recommended by the City Controller.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the transfer by the Controller of the City of Fort Wayne, Indiana, of Four Hundred Thousand Dollars (\$400,000) from Account 345, Cumulative Capital Fund, to Account 010, General Fund, is hereby approved and ratified all in accordance with the 1985 budget of the City of Fort Wayne and in accordance with I. C. 6-7-1-31.1.



SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution no. R-153-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Presented by me to the Mayor of the City of Fort Wayne,

Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-85-07-21

ZONING MAP ORDINANCE NO. Z-16-85

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. G-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a P.O.D. (Professional Office District) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Southeast quarter of LaGro Section (Reserve) in Township 30 North, Range 12 East, Allen County, more particularly described as follows: Beginning on the centerline of U.S. Highway #24 at a point located by deed 1005 feet Southwesterly from the intersection of said centerline with the North line of said Southeast quarter; thence North 51 degrees 30 minutes East (Indiana State Highway Commission Bearing and is used as the basis for the bearings in this description) on and along said centerline, 240.2 feet; thence South 38 degrees 26 minutes 30 seconds East (recorded South 39 degrees 20 minutes East), on and along a line established by survey monuments found, 424.5 feet (recorded 425 feet) to the Northeasterly corner of Lot #12 in North Washington Place Addition to the City of Fort Wayne, Indiana; thence South 62 degrees 39 minutes West on and along the Northerly line of said Lot #12, a distance of 204.2 feet; thence Northwest-erly, on and along the arc of a regular curve to the right having a radius of 1643.7 feet,

an arc length of 387.91 feet (recorded 386.6 feet) (the chord of which bears North 44 degrees 21 minutes West for a distance of 387.01) to the point of beginning, containing 2,106 acres of land, subject to legal rights-of-way for U.S. Highway #24 and all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. G-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GlaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-16-85 on the 10th day of December, 1985,.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-11-16 (AS AMENDED)

GENERAL ORDINANCE NO. G-30-85

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, to add a new section regarding frequenting a dive

WHEREAS, neither state law nor municipal ordinance prohibits frequenting a dive; and

WHEREAS, adopting a municipal ordinance regarding frequenting a dive would assist law enforcement in the City of Fort Wayne; and

WHEREAS, frequenting a dive should be an offense punishable under the Municipal Code of the City of Fort Wayne, Indiana.

SECTION 1. Amendment. The Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by adding a new Section 18-49, entitled "Frequenting a Dive", which new Section consists of the following.

Section 18-49. Frequenting a Dive.

- (a) It shall be unlawful for any person, to enter, visit, patronize or frequent any dive, knowing it is or has been used as a dive.
- (b) A "dive" as used in this Section shall include the following:

Any room, house, building, structure, automobile, boat, other vehicle, or place of any kind, or premises thereof, where an alcoholic beverage of any type is sold, possessed, manufactured, bartered, or given away in violation of the laws of the State of Indiana or of a rule or regulation of the Alcoholic Beverage Commission of the State of Indiana; or any place, or premises thereof, where alcoholic beverages are consumed in violation of the laws of the State of Indiana or of a rule or regulation of the Alcoholic Beverage Commission of the State of Indiana; or any place, or premises thereof, where alcoholic beverages are kept for sale, barter, or gift in violation of the laws of the State of Indiana or in violation of a rule or regulation of the Alcoholic Beverage Commission of the State of Indiana.

- (c) Any person violating any of the provisions of this Section, shall, upon conviction, be fined an amount not exceeding One Thousand Dollars (\$1,000.00).

SECTION 2. Conflict of Laws. If any provision of this Section are found to be in conflict with any law of the State of Indiana, the state law prevails.

SECTION 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and upon due publication thereof.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-30-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 9:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

## GENERAL ORDINANCE NO. G-LOST

AN ORDINANCE amending the Thoroughfare Plan  
of the City Comprehensive ("Master") Plan  
by vacating a portion of a  
public street

WHEREAS, a petition to vacate a portion of a public street within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereof; and,

WHEREAS, said Commission duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a portion of public street within the City of Fort Wayne, more specifically described as follows, to-wit:

the Northern 13 feet of Maumee Avenue (old U.S. 24 & 30), commencing on the Southwest point of reference (iron pin), proceeding in a Southeasterly direction for a distance of 250 feet, adjacent to the Southermost boundary of the following: "...commencing on the centerline of the Maumee Road, now vacated as shown by the records of the Commissioner's of Allen County, Indiana, at Commissioner's Record 26, page 71, a distance of 598.9 feet East of the Northwest corner of said Section 8; thence deflecting 2 degrees right a distance of 140.0 feet; thence deflecting 8 degrees 24 minutes right a distance of 40 feet; thence deflecting 15 degrees 14 minutes right a distance of 40 feet; thence deflecting 8 degrees 34 minutes a distance of 24.67 feet to a bolt in Expansion Joint for the point of beginning; thence in an Easterly direction along the centerline of the Maumee Road on the last described line of produced a distance of 15.33 feet; thence deflecting 7 degrees 11 minutes right a distance of 83.6 feet; thence deflecting 0 degrees 33 minutes 30 seconds right a distance of 213.7 feet to the North right-of-way of U.S. 30; thence in a Northwesterly direction along the North line of said road with an interior angle of 16 degrees 47 minutes 30 seconds a distance of 271.1 feet to an iron pin; thence deflecting 90 degrees 29 minutes right a distance of 41.5 feet; thence deflecting 82 degrees 24 minutes left a distance of 28.18 feet; thence deflecting 80 degrees 15 minutes right a distance of 41.97 feet to the point of beginning, intersecting the centerline of the Maumee Road with an angle of 79 degrees 17 minutes, containing 0.28 acres, more or less",

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted, placed on its passage. LOST by the following vote:

AYES: Four  
Bradbury, Henry, Redd, Stier  
NAYS: Four  
Burns, Eisbart, Schmidt, Talarico  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

BILL NO. S-85-11-71

SPECIAL ORDINANCE NO. S-240-85

AN ORDINANCE approving Change Order #1, Res. 6007-84, Southwood Park, Phase I-A with Tomco Construction Company, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order #1, Res. 6007-84, Southwood Park, Phase I-A, with Tomco Construction Company, in connection with the Board of Public Works and Safety, for:

Change Order #1 for Res. 6007-84, Southwood Park, Phase I-A, is necessary because a new grade was established. Curb had to be brought up to proposed #53 stone used;

involving a net increase of Four Thousand Seven Hundred Forty-Nine and 10/100 Dollars (\$4,749.10), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico  
Councilmember

Read the third time in full and on motion by Talarico, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: Absent:  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-240-85 on the 10th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-72

SPECIAL ORDINANCE NO. S-241-85

AN ORDINANCE approving Change Order #1, Res. 6016-85, Pontiac Place NSA, Phase IV-B (Eckert), with Mergy Construction Co., Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order #1, Res. 6016-85, Pontiac Place NSA, Phase IV-B (Eckert), with Mergy Construction Co., Inc., in connection with the Board of Public Works and Safety, for:

overun on Item #3 concrete removal; Item #10 concrete pavement 7" 2" recess, and item #11 asphalt is due to the fact that the water main had to be lowered in 2 different locations. Also when the curb was removed, it went into the side streets two additional feet more than was originally planned. The new item, one was a yard drain. This drains a water pocket in the alley outside the scope of the project. Without this drain part of the alley would have to be removed and replaced costing considerably more. The second item is placing street lighting conduit in trench or boring under the streets and alley approaches. By installing the conduit in the existing sewer trench saves the cost of pushing conduit at a later date. The average cost of pushing conduit is \$6.00 per foot;

involving a net increase of Four Thousand Three Hundred Twenty-two and 85/100 Dollars (\$4,322.85), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Samuel J. Talarico  
Councilmember

Read the third time in full and on motion by Talarico, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GlaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-241-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

SPECIAL ORDINANCE NO. S-242-85

AN ORDINANCE approving Change Order #1 for Redwood-Chestnut Tank Painting Project No. 85-W-4, with Newmann Company, in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order #1, for Redwood-Chestnut Tank Painting Project No. 85-W-4, with Neumann Company, in connection with the Board of Public Works and Safety, for:

Redwood-Chestnut Tank Painting Project No. 85-W-4 Change Order #1 is necessary to relocate obstruction light, replace corroded conduit, install new light support bracket, weld over existing conduit attachment openings;

involving a new increase of One Thousand and No/100 Dollars (\$1,000.00), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-242-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-69

SPECIAL ORDINANCE NO. S-243-85

AN ORDINANCE approving Change Order #2, Emergency Res. #6033-85, Tree Removal for Dikes, with Mudrack Tree Service, in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order #2, Emergency Res. #6033-85, Tree Removal for Dikes, with Mudrack Tree Service, in connection with the Board of Public Works and Safety, for:

Under Public Law 84.99, the Army Corps of Engineers is going to repair the mud slide on St. Joe River Drive at Rivermet. It is the responsibility of the City to remove the trees from the area. This is a new area and was not included in the original contract. In the original contract, traffic control was not a factor because this was in an out of the way area. Therefore, new items were added. Also increase the grubbing item;

involving a net increase of Three Thousand One Hundred Forty-Five and No/100 Dollars (\$3,145.00), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-243-85 on the 10th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-11-70

SPECIAL ORDINANCE NO. S-244-85

AN ORDINANCE approving Contract for St. Joe Pump Station Elimination, Res. 402-84, by and between the City of Fort Wayne, Indiana and T-G Excavating, Inc., in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Contract for St. Joe Pump Station Elimination, Res. 402-84, by and between the City of Fort Wayne, Indiana and T-G Excavating, Inc., in connection with the Board of Public Works and Safety, for:



the construction of a local sewer beginning at an existing manhole located 55 ± L.F. North of and 150 ± L.F. East of the centerline intersection of Kendale Drive and Robin Run; thence North at a distance of 275 ± L.F. thence Westerly at a distance of 180 ± L.F.; thence Northwesterly at a distance of 240 ± L.F. terminating at an existing manhole located 300 ± L.F. North of and 140 ± L.F. West of the centerline intersection of Redbird Trail and Bluebird Court. ALSO: Beginning at an existing manhole located 475 ± L.F. North of and 100 ± L.F. West of the centerline intersection of St. Joe Center Road and St. Joe Road; thence South 260 ± L.F. North of and 100 ± L.F. West of the centerline intersection of St. Joe Center Road and St. Joe Road. Said sewer shall be 8", 12", and 18", in diameter;

involving a total cost of Ninety-Seven Thousand Nine Hundred Thirty-Seven and 10/100 Dollars (\$97,937.10), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and are available for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Elsbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 12-10-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-244-85 on the 10th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy James S. Stier  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 12th day of December, 1985, at the hour of 8:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$4,600,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT REVENUE BONDS SERIES 1985 (WILLOW CREEK, LTD. PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO WILLOW CREEK, LTD., AN INDIANA LIMITED PARTNERSHIP, TO ASSIST IN THE FINANCING OF AN ECONOMIC DEVELOPMENT FACILITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9, is authorized and empowered among other things (a) to make a loan for the acquisition, construction, equipping and installation of an economic development facility within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction, equipping and installation of the Project, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the aggregate principal amount of \$4,600,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9; and

WHEREAS, the Fort Wayne Economic Development Commission has determined that the acquisition, construction, equipping and installation of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"ACT" means Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9, and such further amendments and supplements thereto such as are hereunder adopted.

"AGREEMENT" or "LOAN AGREEMENT" means the Loan Agreement dated as of December 1, 1985, between the Issuer and the Company, and any permitted amendments or supplements thereto.

"BONDS" means the Bonds authorized in Section 3 or 4 hereof, registered in the name of the Holder as to principal and interest, including any Bond issued in exchange therefor as provided in the Indenture; and, initially, one (1) fully registered Bond, numbered R-1 in the original principal amount of \$4,600,000.

"BOND FUND" means the Bond principal, premium and interest fund created by Section 9 hereof.

"BONDHOLDER" or "HOLDER" means, initially, the Original Purchaser, and any subsequent person in whose name any Bond is registered; provided that, solely as used in the definitions of "Determination of Taxability" and "Event of Taxability", the term "Bondholder" also includes the owner of an undivided participation interest in any Bond.

"BOND LEGISLATION" means this ordinance.

"BOND PURCHASE AGREEMENT" means the Bond Purchase Agreement dated as of December 1, 1985, among the Issuer, the Trustee, the Company and the Original Purchaser, and any permitted amendments or supplements thereto.

"BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period. Any "late charge" and any payment required to be made on the Bonds with interest at the Interest Rate for Advances shall also constitute a Bond Service Charge.

"CODE" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"COMPANY" means Willow Creek, LTD., an Indiana limited partnership, and its successors and assigns, including any surviving, resulting or transferee entity as provided in Section 6.7 of the Agreement.

"COMPLETION DATE" means the date of completion of the acquisition, installation, equipping and construction of the Project as that date shall be certified as provided in Section 3.5 of the Agreement.

"CONSTRUCTION FUND" means the fund created by Section 7 hereof.

"DETERMINATION OF TAXABILITY" means (i) the filing by the Company of any statement, supplemental statement or other tax schedule, return or document (whether pursuant to Treasury Regulations §1.103-10(b)(2)(vi)(c) or otherwise) which discloses that an Event of Taxability has occurred, or (ii) the final assertion by the Internal Revenue Service to the effect that interest on the Bonds is includable in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code) or (iii) the final adoption of legislation or regulations or a final determination, decision, decree or ruling of any judicial or administrative authority which has the effect of requiring interest on the Bonds to be included in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code). For purposes of clause (iii) in the preceding sentence, a decision, decree or ruling by any judicial or administrative authority shall be considered final upon the expiration or waiver of all periods for judicial review or appeal, as the case may be.

"ELIGIBLE INVESTMENTS" means (i) any bonds or other direct obligations of the United States of America; (ii) obligations of the Federal National Mortgage Association or the Government National Mortgage Association; (iii) obligations of the Federal Intermediate Credit Banks; (iv) obligations of Federal Banks for Cooperatives; (v) obligations of Federal Land Banks; (vi) obligations of the Federal Financing Bank; (vii) bank repurchase agreements issued by a Federal Reserve member bank, including

the Trustee, fully secured by obligations of any of the kinds specified in clauses (i) through (vi) above, (viii) time deposits, certificates of deposit, documented discount notes secured by stand-by letters of credit, bank reverse repurchase agreements or bankers acceptances of banks or trust companies, including the Trustee, organized under the laws of the United States of America or any state thereof, which have combined capital and earned and unearned surplus of at least \$25,000,000 in dollars of the United States of America, (ix) commercial paper or finance company paper which is rated not less than prime-one or A-1 or their equivalents by Moody's Investors Service, Inc., or Standard & Poor's Corporation, respectively, or their successors, or both, if rated by both, or (x) obligations, of any state of the United States of America or of any political subdivision or other instrumentality of any state, which are rated at least "A1" or its equivalent by either Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors, or both, if rated by both.

"EVENT OF TAXABILITY" means the occurrence of circumstances which a Determination of Taxability shall have found to have occurred, or which shall constitute a Determination of Taxability, and which results in the interest payable on the Bonds becoming includable in the gross income for federal income tax purposes of any Bondholder (other than a Bondholder who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103 of the Code), such occurrence of circumstances relating to a specific point in time. Without limiting the generality of the foregoing, the incurring of capital expenditures in excess of those permitted under Section 103(b)(6)(C) of the Code, thereby causing any interest payable on the Bond to be includable in the gross income of any Bondholder under the Code, shall constitute an Event of Taxability.

"EXECUTIVE" means the Mayor of the Issuer.

"FINAL MATURITY DATE" means December 1, 1995.

"FISCAL OFFICER" means the City Clerk of the Issuer.

"GUARANTY" means the Guaranty Agreement dated as of December 1, 1985, between Michael J. Todoran, John Rhinehart, Joel Bravick, Richard D. Waterfield, Howard L. Chapman and Frances W. Lefay, as Guarantors, and the Trustee, whereby said Guarantors have unconditionally guaranteed to the Trustee payment of the Note in accordance with the terms thereof.

"INDENTURE" means the Trust Indenture dated as of December 1, 1985, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"INTEREST PAYMENT DATE" means the first day of each month commencing January 1, 1986, and continuing monthly thereafter.

"INTEREST RATE FOR ADVANCES" means the annual rate of interest which is equal to the rate of interest per annum publicly announced by Lincoln National Bank and Trust Company of Fort Wayne from time to time to be the Lincoln National Bank Base Rate, whether or not such Bank shall at times lend to borrowers at lower rates of interest, plus 2%, provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"ISSUING AUTHORITY" means the Common Council of the Issuer.

"LAND USE RESTRICTION AGREEMENT" means the Land Use Restriction Agreement and Declaration of Covenants dated as of December 1, 1985, among the Company, the Issuer and the Trustee, under the terms of which the parties agree that the Project shall be owned, managed and operated as a project to provide residential rental property comprised of residential dwelling units and facilities functionally related and subordinate thereto, in accordance with Section 103(b)(4)(A) of the Code and the applicable Treasury Regulations.

"LEGAL OFFICER" means either the City Attorney of the Issuer or the Counsel to the Economic Development Commission.

"MORTGAGE" means the Mortgage and Security Agreement dated as of December 1, 1985, whereby the Company has granted to the Trustee, as security for payment of the Note and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"NOTE" means the Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by the Company to the Issuer concurrent with the delivery of the Loan Agreement.

"NOTE PAYMENTS" means any and all payments of principal of and interest, and prepayment premiums or Additional Payments, if any, on the Note.

"ORIGINAL BOND" means one (1) Bond R-1, in the aggregate principal amount of \$4,600,000.

"ORIGINAL PRINCIPAL SUM" means \$4,600,000, the aggregate original face amount of the Bonds.

"ORIGINAL PURCHASER" means Lincoln National Bank and Trust Company of Fort Wayne, Fort Wayne, Indiana.

"OUTSTANDING BOND" or "BOND OUTSTANDING" or "OUTSTANDING" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

(a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date;

(b) Any Bond for which sufficient moneys have been deposited with the Trustee for the payment, redemption or purchase for cancellation of, whether upon or prior to the Final Maturity Date or the redemption date of any such Bond, or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture, provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

(c) Any Bond in lieu of which another has been authenticated (or payment, when due, of which is made without replacement) under Section 2.04 of the Indenture, and

(d) For the purpose of determining whether the Holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Company or any person owned, controlled by, under common control with or controlling the Company shall be disregarded and deemed to be not outstanding. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"PAYMENT IN FULL OF THE BONDS" means the first date when the Bonds are no longer deemed to be outstanding pursuant to Section 8.02 of the Indenture.

"PERSON" means natural persons, firms, associations, corporations and public bodies.

"PLEGGED RECEIPTS" means (a) the Note Payments, (b) subject to the provisions of Sections 3.04, 4.02 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of any Bondholder, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, in respect of the Agreement or the Project, except certain expense, reimbursement and indemnity payments which are, pursuant to the provisions of the Agreement, to be made by the Company directly to the Issuer or the Trustee, (c) any moneys on deposit in the Construction Fund or the Bond Fund and (d) the income and profit from the investment of any moneys while held in the Construction Fund or the Bond Fund.

"PROJECT" means the Project Site and the real, personal, or real and personal property, including undivided interests or other interests therein, identified in Exhibit A to the Agreement, or acquired, constructed or installed as a replacement or substitution therefor or an addition thereto, or as may result from a revision of the plans and specifications therefor in accordance with the provision of the Loan Agreement or Mortgage.

"PROJECT SITE" means the real estate and interests in real estate constituting the site of and part of the Project, as described in Exhibit B to the Agreement.

"STATE" means the State of Indiana.

"TAXABLE RATE OF INTEREST" means the Interest Rate for Advances.

"TRUSTEE" means the Trustee at the time acting as such under the Indenture, originally Lincoln National Bank and Trust Company of Fort Wayne, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, the Issuing Authority, or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner, at the times, and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, any pronoun shall be deemed to cover all genders, and the terms "herein", "hereof", "hereby", "hereunder", and similar terms, mean this Bond Legislation and the Indenture and not solely the portion hereof in which any such word is used.

Section 2. Determination of Issuing Authority Pursuant to the Act, the Issuing Authority hereby finds and determines that the Project is an "economic development facility" as defined in the Act and that all actions required under the Act to be taken by the Issuer prior to the issuance of the Bonds have been duly authorized and completed.

Section 3. **Authorization of Bonds.** It is hereby determined to be necessary to, and the issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds in the aggregate principal amount of \$4,600,000 for the purpose of financing costs of acquiring, constructing, equipping and installing the Project, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Loan Agreement and the Bond Purchase Agreement. The Bonds shall be designated "Economic Development Revenue Bonds Series 1985 (Willow Creek, LTD. Project)."

Section 4. **Additional Bonds.** One or more series of Bonds in addition to the Original Bonds (herein referred to as "Additional Bonds") may, with the consent of the Holders of all Bonds then outstanding, be authenticated and delivered from time to time for one or more of the purposes of (i) refunding entirely one or more series of Bonds outstanding hereunder, if such Bonds may otherwise be refunded, (ii) advance refunding entirely one or more series of Bonds outstanding hereunder, regardless of whether such Bonds may otherwise be refunded, if the same is then permitted by law by depositing with the Trustee, in trust for the sole benefit of such series of Bonds, cash or investments (but only to the extent that the full faith and credit of the United States of America are pledged to the timely payment thereof) in a principal amount which will, together with the income or increment to accrue thereon, be sufficient to pay and redeem (when redeemable) and discharge such series of Bonds at or before their respective maturity dates, and (iii) financing the cost or estimated cost of completing the Project or of acquiring, equipping, constructing and/or renovating additional improvements to the Project, and, in each case, obtaining additional funds to pay the costs to be incurred in connection with such Additional Bonds, to establish reserves with respect thereto and to pay interest during the estimated construction period of completing the additional improvements, if any. Each series of Additional Bonds issued hereunder shall be equal in aggregate principal amount to the principal amount of the Additional Note being then currently issued.

Prior to the delivery by the issuer of any of such Additional Bonds, there shall be filed with the Trustee:

- 1 A supplement to this Indenture executed by the Issuer and the Trustee authorizing the issuance of such Additional Bonds, specifying the terms thereof, pledging and assigning the Additional Note being then currently issued as security therefor and providing for the disposition of the proceeds of the sale thereof.
- 2 The supplement or amendment to the Loan Agreement and the other instruments, documents, certificates and opinions referred to in Section 5.2 of the Loan Agreement.
- 3 The Additional Note being then concurrently issued, made payable to the order of the Issuer, duly executed by the Company and endorsed by the Issuer to the order of the Trustee.
- 4 A copy, duly certified by the Fiscal Officer of the Issuer, of the ordinance heretofore adopted and approved by the Issuer authorizing the execution and delivery of such supplemental indenture and such supplement to the Loan Agreement and the issuance of such Additional Bonds.
- 5 A written Request of the Issuer to the Trustee to authenticate and deliver such Additional Bonds.
- 6 Written consent to the issuance of Additional Bonds by the Holders of all of the Bonds then outstanding.

Any Additional Bonds issued in accordance with the terms of this Section shall be secured by this Indenture and shall be equally and ratably payable from all Notes issued under the Loan Agreement, but such Additional Bonds may bear such date or dates, such interest rate or rates, and with such maturities, redemption dates and premiums as may be agreed upon by the Issuer and the purchaser of such Additional Bonds.

Section 5. **Terms of Bonds.** The Bonds shall be issued in fully registered form and shall be exchangeable for fully registered Bonds in the manner and on the terms provided in the Indenture, shall be numbered from 6-1 upwards, and shall be in substantially the form set forth therein in the Indenture.

Bonds shall be in the denominations of \$5,000 and any multiple thereof, and shall be of a single maturity of the same series; provided that the Fiscal Officer with the approval of the Trustee may authorize issuance of one or more Bonds representing more than one maturity of the same series with appropriate changes in the form of such a Bond to cover more than one maturity, such approval and authorization to be evidenced as provided in the Indenture.

Each Bond shall be dated as of the date of its delivery or exchange, provided that if at the time of authentication of any Bond interest is in default thereon, such Bond shall be dated as of the date to which interest has been paid.

The Bonds being initially delivered to Lincoln National Bank and Trust Company of Fort Wayne, as the Original Purchaser, shall be one (1) Bond numbered 6-1 in the original aggregate principal amount of \$4,600,000 with interest thereon at a rate of 7½% of the rate of interest per annum published in the Money Rates section of the Wall Street Journal as the "Prime Rate" (the "Bond Interest Rate"). In the event that the said Money Rates section of the Wall Street Journal publishes a range of "Prime Rates," then the Bond Interest Rate shall be 7½% of the rate of interest publicly announced by Lincoln National Bank and Trust Company of Fort Wayne from time to time to be the Lincoln National Bank Base Rate, so long as said Lincoln National Bank Base Rate is within the range of "Prime Rates" so published by the Wall Street Journal; if the Lincoln National Bank Base Rate is not within the aforementioned range of "Prime Rates" published by the Wall Street Journal, the highest published "Prime Rate" as found in the Money Rates section of the Wall Street Journal shall be used in calculating the Bond Interest Rate as aforesaid. Also, in the event that the Wall Street Journal shall discontinue the publication of a "Prime Rate" as contemplated herein, then the Bond Interest Rate shall be 7½% of the rate of interest per annum publicly announced by Lincoln National Bank and Trust Company of Fort Wayne from time to time to be the Lincoln National Bank Base Rate, whether or not such Bank shall at times lend to borrowers at lower rates of interest.

Interest only shall be payable monthly commencing on January 1, 1986, and on the first day of each succeeding month thereafter to and including December 1, 1986. Principal and interest shall be payable in 107 monthly installments commencing on January 1, 1987, and on the first day of each month thereafter, to and including November 1, 1995. The amount of each of the aforementioned 107 monthly payments of principal and interest shall be an amount which would be sufficient to repay the unpaid principal balance of the Bonds in full on December 1, 2011, in substantially equal monthly payments with interest at the Bond Interest Rate in effect at the time of such monthly payment. In the event of an adjustment in the Bond Interest Rate on a Change Date, the Trustee shall determine the amount of the new monthly principal and interest payment and shall notify the Company of such payment amount within 10 days following the Change Date. Such

The initial Bond Interest Rate shall be determined as of the date of delivery of the Bonds to the Original Purchaser thereof and shall be subject to adjustment commencing on the 1st day of March, 1986, and on the 1st day of each succeeding June, September, December and March thereafter. Each date on which the Bond Interest Rate will be subject to adjustment is referred to herein as a "Change Date." Any Bond Interest Rate adjustment made in accordance with the provisions hereof shall become effective on the corresponding Change Date. The Trustee shall notify the Company in writing of any Bond Interest Rate adjustment within 10 days following the Change Date.

new payment amount shall become effective on the first day of the month immediately following the Change Date. The balance of principal together with accrued interest shall, in any event, be due and payable in full on December 1, 1995, subject, however, to redemption at the option of the Holders of a majority in principal amount Outstanding of the Bonds in the event of a Determination of Taxability, as hereinafter provided.

All payment provisions herein set forth are subject to the provisions hereinafter set forth with respect to redemption prior to maturity as they may become applicable hereto. Upon full and complete payment as provided herein, the Bonds shall be deemed fully paid and retired upon the making of the final payment provided for herein. Upon any transfer and surrender of said Bond numbered R-1 in accordance with the provisions of the Indenture, the Issuer shall execute and deliver a new Bond or Bonds in exchange therefor as provided in the Indenture.

The Bonds are subject to optional redemption, in whole or in part, prior to maturity by the Issuer at the direction of the Company on any Interest Payment Date. Any prepayment amount may consist of the entire principal amount of the Bonds then outstanding, or any part thereof, except that if less than the entire amount, then such partial prepayment amount shall be a multiple of \$5,000, plus accrued interest to the redemption date. The redemption date in any such event shall be the date set by the Company for prepayment of the Note in accordance with the provisions of such Section 7.1(a) of the Loan Agreement.

The Bonds shall also be callable for redemption in whole or in part, upon occurrence of any of the circumstances which operate to require prepayment of the Note in whole or in part by the Company in accordance with the provisions of Sections 7.1(b) and 7.2 of the Loan Agreement. The redemption date in any of such events shall be the date set by the Company, (or in default thereof, by the Trustee) for the prepayment of the Note in whole or in part in accordance with the provisions of the Loan Agreement. The redemption price in any of such events shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date.

The Bonds shall also be callable for redemption in whole, but not in part, by the Issuer at the option and direction of the Holders in majority amount Outstanding of the Bonds in the event of a Determination of Taxability. The redemption date in such event shall be the date set by the Trustee in accordance with the provisions of Section 7.3 of the Loan Agreement. The redemption price in such event shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date, plus an amount equal to the difference between (a)(i) the aggregate amount of interest which would have been payable on the Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of Interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys' fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds from the date of the Event of Taxability to the redemption date.

Notice by the Holders in majority amount Outstanding of the Bonds that they intend to exercise their option to cause the Issuer to call the Bonds for redemption in the event of a Determination of Taxability, as provided above, shall be given by such Holders to the Trustee, the Company and the Issuer by mailing a copy of such notice by registered or certified mail at least 365 days prior to the date fixed for redemption.

The Bonds shall also be called for redemption in whole, but not in part, by the Issuer on December 1, 1988, if neither of the two (2) following events shall have occurred by said date:

(a) The Company or any of its affiliates shall have leased and caused complete renovation of the downtown Fort Wayne project presently known as the Centrium; or

(b) The Company or any of its affiliates shall have purchased and occupied the downtown Fort Wayne project presently known as the Centrium.

The redemption date in such event shall be the date set by the Trustee in accordance with the provisions of Section 7.4 of the Loan Agreement. Notice to Bondholders shall be provided by Issuer as set forth in said Section 7.4 of the Loan Agreement.

In the event of a Determination of Taxability, the interest rate on the Bonds shall be immediately increased to the Taxable Rate of Interest. In addition, the Bondholders shall, in the event of a Determination of Taxability, be paid by Issuer an amount equal to the difference between (a) (i) the aggregate amount of interest which would have been payable on the Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of Interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys' fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds from the date of the Event of Taxability to the time of the Determination of Taxability.

The obligation of the issuer to make payments of interest on and/or principal of the Bonds which remains outstanding after any partial redemption shall not be affected by such partial redemption, such partial redemption operating instead to pay and redeem the principal of this Bond at dates earlier than the originally scheduled principal amortization dates, in inverse chronological order.

Notice from the Company to the Trustee that the Note is to be prepaid in whole or in part pursuant to the Agreement shall also constitute direction by the issuer to the Trustee to shorten the payment schedule and move the final payment date forward, and no separate notice from the issuer to the Trustee shall be required.

Notice of the call for any redemption of Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Bonds or portions of Bonds to be redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the issuer by mailing a copy of the redemption notice by registered or certified mail at least 30 days prior to the date fixed for redemption to the Holder or Holders thereof at the address shown on the registration books kept by the Trustee; provided, however, that failure to give such notice to any Bondholder by mailing, or any defects in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Bonds. The Holder or Holders of Bonds may waive any notice of redemption in writing, and in such event, no notice of any kind need be given with respect to the Bonds of such Holder or Holders to be so redeemed.

All Bond Service Charges on Bonds shall be payable by check or draft drawn upon the Trustee and mailed or delivered to the Bondholder at its address as shown on the Bond registration books to be kept by the Trustee, provided however that the final Bond Service Charges shall be payable at the corporate trust office of the Trustee upon presentation and surrender of the Bond at such office. All payments of Bond Service Charges shall be made in lawful money of the United States of America, without deduction for services as paying agent. In addition, upon acceleration of the Bond, the amounts payable upon such acceleration, together with interest thereon at the Interest Rate for Advances from the date of acceleration, shall continue as an obligation of the Issuer until paid. All

payments from the issuer referred to herein shall be payable solely from the Pledged Receipts.

All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Subject to provisions of the Bond Legislation, Bonds shall be issued as fully registered Bonds, and may be exchanged as provided in the Indenture. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

The Bonds shall be executed on behalf of the issuer by the Executive and by the Fiscal Officer, provided that any or all of such signatures may be facsimiles, and the seal of the issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on any Bond, shall cease to be such officer before the issuance, authentication or delivery of the Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until after that time.

Section 6. Security for the Bonds. As provided herein, the Bonds shall be payable solely from the Bond Fund and the Pledged Receipts and secured by a pledge of and lien on the Pledged Receipts and the Bond Fund, and shall be further secured by the Mortgage, the Indenture, and the Guaranty. Neither the Bond Legislation, the Bonds, the Indenture, the Loan Agreement, nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit or the taxing power of the issuer, and each Bond shall contain on the face thereof a statement to that effect.

Section 7. Sale of Bonds. The Bonds are hereby sold and awarded to the Original Purchaser, in accordance with its offer therefor in the Bond Purchase Agreement, at a purchase price of 100% of the principal amount of the Bonds to be purchased by it, aggregating \$4,600,000, plus accrued interest from the date of delivery of the Bonds. The Executive and the Fiscal Officer are authorized and directed to make on behalf of the issuer the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to such Original Purchaser, and to take all steps necessary to effect due execution, authentication and delivery to the Original Purchaser of the Bonds purchased by it under the terms of this Bond Legislation, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and the sale thereof, all as provided in this Bond Legislation and the Bond Purchase Agreement, are in the best interest of the Issuer and consistent with all legal requirements.

Section 8. Allocation of Proceeds of Bond - Construction Fund. There is hereby created by the issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund in the name of the issuer to be designated "City of Fort Wayne - Willow Creek, LTD. Construction Fund." All of the sums from the sale of the Bonds, except accrued interest on the Bonds, shall be deposited in the Construction Fund and disbursed by the Trustee in accordance with the Loan Agreement. The Trustee is authorized and directed to issue its check for each such disbursement. The moneys to the credit of the Construction Fund (including the proceeds from the sale of investments thereof) shall, pending applications thereof as above set forth, be subject to a lien and charge in favor of the Holder.

Section 9. Source of Payment - Bond Fund. As provided in the Agreement Note Payments, sufficient in time and amount to pay the Bond Service Charges as they come due, are to be paid by the Company directly to the Trustee for the account of the issuer and deposited in the Bond Fund.

There is hereby created by the issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in



the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - Willow Creek, LTD. Bond Fund." Subject to the provisions of the Mortgage, the Bond Fund and the moneys therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond Service Charges as they fall due at stated maturity or by amortization or redemption, all as provided herein and in the Indenture and the Agreement. Except as otherwise provided in this Bond Legislation or in the Mortgage, there shall be deposited into the Bond Fund, as and when received, all Pledged Receipts.

The Issuer covenants and agrees that, until Payment in Full of the Bonds, it will deposit or cause to be deposited in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond Service Charges as the same become due and payable, and to this end the Issuer covenants and agrees that it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholder to fully protect the rights and security of the Bondholder hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges any funds other than the Bond Fund and the Construction Fund or revenues from any source other than Pledged Receipts.

The Issuer covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem the entire principal amount of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, and any applicable premiums, to take and cause to be taken, upon notification by the Company or the Trustee, the necessary steps to redeem the Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 10. Covenants of Issuer. In addition to other covenants of the Issuer in the Bond Legislation, the Indenture, and the Land Use Restriction Agreement, the Issuer further covenants and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond Service Charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds.

(b) Performance of Covenants, Authority and Actions. The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, Bond Purchase Agreement, the Indenture, the Land Use Restriction Agreement, and the Bonds, required therein to be observed and performed by the Issuer. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, to execute the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth, that all actions on its part for the issuance of the Bonds, and the execution and delivery of the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, have been or will be duly and effectively taken, and that the Bonds will be valid, binding and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Bond Purchase Agreement, the Agreement and the Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture, Bond Purchase Agreement and

Agreement, the Issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Construction Fund, the Bond Fund or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The Issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture, and in pursuance thereof the Company has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 6.9 of the Agreement.

(e) Inspection of Project Books. All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) Maintenance of Agreement. The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer, Trustee and Bondholder thereunder, including actions at law and in equity, as may be appropriate.

(g) Rights Under Agreement. The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholder, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.



(h) Arbitrage Provisions. The issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the issuer, or any officer of the Company, and upon receipt of satisfactory indemnities from the Company, to give an appropriate certificate on behalf of the issuer, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to such Section 103(c) and regulations thereunder.

Section 11. Investment of Bond Fund and Construction Fund Money. Moneys in the Bond Fund and the Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any written orders, or oral orders confirmed promptly in writing, of an authorized representative of the Company with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond Service Charges as they fall due at stated maturity or by amortization or redemption, and that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Fund. Subject to

any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys hereunder at the times required for the purposes of paying Bond Service Charges when due as aforesaid. An investment made from moneys credited to the Bond Fund or Construction Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income or loss from such investment. The Company has covenanted in the Agreement to restrict the use of the proceeds of the Bonds so that they will not constitute arbitrage bonds under the Code.

Section 12. Authorization of Agreement, Bond Purchase Agreement, Indenture, Assignment, and Land Use Restriction Agreement. In order to better secure the payment of the Bond Service Charges as the same shall become due and payable, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the issuer, the Agreement, the Bond Purchase Agreement, the Indenture, the Assignment of the Note, and the Land Use Restriction Agreement in substantially the forms submitted to this Issuing Authority, which are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the issuer as may be permitted by the Act and approved by the Legal Officer and by the persons executing the same, including, but not limited to, a provision requiring an adjustment in the Bond Interest Rate in accordance with the following paragraph if the Company and the Original Purchaser shall mutually agree:

In the event of an increase or decrease in the corporate tax rate, as specified by the Internal Revenue Code, after the date of delivery of the Bonds, the Bond Interest Rate shall be decreased (in the case of an increase in the corporate tax rate) or increased (in the case of a decrease in the corporate tax rate) effective as of the date of such change in the corporate tax rate. For purposes of this paragraph, in the event of an increase or decrease in the corporate tax rate, the Note Interest Rate shall be adjusted to a rate of interest which is equal to the product of (i) the Note Interest Rate prior to any adjustment times (ii) a fraction (expressed as a decimal) the numerator of which is the number 1 minus the corporate tax rate in effect following the change in such rate and the denominator of which is the number 1 minus the corporate tax rate in effect on the date of delivery of the Bonds. For purposes of this section, the "corporate tax rate" shall mean the highest marginal statutory rate of federal income tax imposed on corporations by the Internal Revenue Code. The Trustee shall notify the Company in writing of any Bond Interest Rate adjustment within 10 days following the Change Date.

The approval of such changes by the Legal Officer and such members, and that such are not substantially adverse to the issuer, shall be conclusively evidenced by the execution of the Agreement, the Bond Purchase Agreement, the Indenture, the Assignment, and the Land Use Restriction Agreement by such persons.

The Executive and Fiscal Officer are each hereby separately authorized to take any and all actions and to execute such financing statements, election statement, certificates and other instruments that may be necessary or appropriate in the opinion of the Legal Officer and bond counsel, in order to effect the issuance of the Bonds and the intent of this Bond Legislation. The Fiscal Officer, or other appropriate officer of the issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 13. Designation of Economic Development Target Area. It is hereby found and determined that the Project Site is in an area that has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property. It is further found and determined that the total land area of the Project Site, when added to the total land area previously designated by the issuing Authority pursuant to IC 36-7-12-38 as an Economic Development Target Area, is less than 15% of the total geographic territory of the issuer. This Common Council, therefore, having received a favorable recommendation from the Fort Wayne Economic Development Commission, hereby designates the Project Site as an Economic Development Target Area in accordance with the provisions of IC 36-7-12-38.

Section 14 Effective Date. This Bond Legislation shall take effect and be in force immediately upon its adoption.

Ben A. Eisbart  
Councilman

Adopted by Economic Development Commission  
Approved as to form and legality.

John J. Wernet, Attorney for the  
Fort Wayne Economic Development  
Commission

Dated this 17<sup>th</sup> day of December, 1985

Approved as to form and legality:

Bruce G. Boxberger, City Attorney  
Dated this 17<sup>th</sup> day of December, 1985

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-245-85 on the 17th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-18 (AS AMENDED)

SPECIAL ORDINANCE NO. S-246-85

ORDINANCE AUTHORIZING THE CITY OF  
FORT WAYNE TO ISSUE ITS CITY OF FORT WAYNE, INDIANA  
FLOATING RATE WEEKLY DEMAND INDUSTRIAL  
DEVELOPMENT REVENUE BONDS (WAYNE COLISEUM PROJECT)  
SERIES 1985 AND APPROVING OTHER  
ACTIONS IN RESPECT THERETO

WHEREAS, the City of Fort Wayne, Indiana is a "unit" as such is defined by Indiana Law and is authorized by 36-7-11.9-1 and 36-7-12-1 et seq (the Act) and has established a Department of Economic Development known as the Fort Wayne Economic Development Commission, and further is authorized by the Act to issue bonds for the purposes described in the Act; and

WHEREAS, the Fort Wayne Economic Development Commission has rendered its project report for the Wayne Coliseum Project regarding the financing of proposed economic development facilities for Wayne coliseum Limited Partnership and the Allen County Plan Commission has commented favorably thereon; and

the Common Council the Loan Agreement, Indenture of Trust, Mortgage, Bond Purchase Agreement, Preliminary Official Statement, and form of Bonds.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Indenture of Trust, Mortgage, Bond Purchase Agreement, Preliminary Official Statement, and Bonds approved by the Fort Wayne Economic Development Commission and presented to the Common Council, the issuance and sale of the revenue bonds, to be used for the acquisition and construction of the economic development facilities constituting the project and the assigning of a security interest in the Loan Agreement and all proceeds derived from the Loan Agreement to the Trustee complies with the purposes and provisions of I.C. 36-7-11.9-1 and 36-7-12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of acquisition, construction, reconstruction and equipping of certain manufacturing and warehousing facilities located at 2201 S. Coliseum Blvd. in Allen County, Indiana, for use by prospective tenants of the applicant and manufacturing, warehousing and distribution of goods and ancillary services, together with refinancing existing tax-exempt indebtedness on the facilities (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have adverse competitive effect on any similar facilities located in the City of Fort Wayne, and the facilities will be of benefit to the health of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Loan Agreement, Indenture of Trust, Mortgage, Bond Purchase Agreement, Preliminary Official Statement, and Bonds, approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to the "Financing Agreement" referred to in I.C. 36-7-11.9 and 36-7-12), are hereby approved, and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with provisions of I.C. 36-1-5-4 two (2) copies of all such documents are of file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne, Indiana shall issue its City of Fort Wayne, Indiana Floating Rate Weekly Demand Industrial Development Revenue Bonds, (Wayne Coliseum Project) Series 1985, in the total principal amount of not to exceed \$6,200,000.00, maturing, subject to prior redemption, on December

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 5, 1985, and also adopted Resolution on December 5, 1985, which Resolution has been transmitted to this Common Council, finding that the financing of certain economic development facilities for Wayne Coliseum Limited Partnership complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens, and further finding as follows:

- a. The financing will not create an unjustified competitive disadvantage with other companies within the area;
- b. The financing will stimulate the local economy;
- c. The financing will result in creating or retention of a significant number of jobs; and
- d. The project being financed would not be undertaken without tax exempt financing; and
- e. The Economic Development Commission considered the issue of adverse competitive effect and, based on special findings of fact set forth in the resolution transmitted hereto, that the facilities would not have an adverse competitive effect.

WHEREAS, the Fort Wayne Economic Development Commission has approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the substantially final form of and has transmitted for approval by

1, 2015 and subject to mandatory or optional redemption or repurchase on the demand of the holder thereof as set forth in the Bonds, Indenture of Trust and Bond Purchase Agreement, for the purpose of procuring funds to pay the cost of acquisition and construction of the economic development facilities as more particularly set out in the Loan Agreement, Indenture of Trust, and Bond Purchase Agreement incorporated herein by reference, which Bonds will be payable as to principal, premium, if any, and interest from payments made by Wayne Coliseum Limited Partnership under the Loan Agreement or as provided in the Letter of Credit as provided for in the above-described documents. The Bonds will be sold to E. F. Hutton & Company Inc., as Underwriter, New York, New York, in fully registered form and may be assigned and transferred pursuant to the Bond Purchase Agreement, Bonds, and Indenture of Trust; payment of principal and interest is payable in lawful money of the United States of America to the Trustee. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the Bonds payable in any manner from revenues raised by the taxing power of the City of Fort Wayne.

SECTION 6. The Mayor and Clerk are authorized and directed to sell the Bonds to the purchasers thereof at rate of interest as described in the Bonds and the Indenture of Trust, with the provision that the interest rate may be converted to a fixed interest rate under terms and provisions contained in the Bonds and the Indenture of Trust, and further provided that in no event will the interest rate borne by the Bonds exceed 18% per annum.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other documents which may be necessary or desirable to consummate the transaction, including but not limited to the Official Statement, the Indenture, the Inducement Letter, the Loan Agreement, the Letter of Credit and the Bonds, the Mortgage, and such other documents as authorized herein and may approve such other changes in the Loan Agreement, the Indenture, the Bond Purchase Agreement, the Inducement Letter, and such other documents as they may deem necessary or advisable, including the initial interest rate. The signatures of the Mayor and Clerk on the Bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of the Bonds to the Trustee, payment for the Bonds will be made to the Trustee named in the Bond Purchase Agreement and, after such payment, the Bonds will be delivered to E.F. Hutton & Company Inc., as Underwriter. Payment for the Bonds shall be at a purchase price of not less than 95% of the principal amount of the Bonds, the actual price to be approved by the Mayor and Clerk. The Bonds shall be initially dated as of the date of issuance or the date of the first authentication and delivery as designated by the Mayor, except as otherwise provided in the Indenture of Trust. Pursuant to the Indenture the City

hereby authorizes the Mayor, at the time of closing, to appoint the Remarketing Agent, Indexing Agent, Paying Agent, Trustee and/or Co-Trustee, and Registrar for the Bonds.

The Preliminary Official Statement and the final Official Statement are hereby authorized to be distributed in the manner and form as is approved by the City Attorney.

SECTION 8. The Bonds herein are issuable in initial denominations of \$100,000.00 or integral multiples thereof, except as provided for in the Indenture upon conversion to a fixed interest rate, at which time the Bonds shall be issuable in denominations of \$5,000.00 or integral multiples thereof.

SECTION 9. The provisions of this Ordinance and the Bond Purchase Agreement shall constitute a contract binding between the City of Fort Wayne and the holders of the City of Fort Wayne, Indiana Floating Rate Weekly Demand Industrial Development Revenue Bonds (Wayne Coliseum Project) Series 1985 and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-246-85 on the 17th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,

Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-19

SPECIAL ORDINANCE NO. S-247-85

ORDINANCE AUTHORIZING THE CITY OF  
FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT  
REVENUE BOND (POLL PROPERTIES PROJECT)"  
AND APPROVING OTHER ACTIONS  
IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for Poll Properties Project regarding the financing of proposed economic development facilities for the Project and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 12, 1985, and also adopted a resolution on December 12, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Poll Properties complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Bond Purchase and Loan Agreement, Mortgage, Security Agreement, and Trust Indenture, Bond, Promissory Note, Collateral Assignment of Leases and Rents, Lease, and form of Ordinance; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Bond Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bond, the loan of the proceeds of the revenue bond to Poll Properties for the acquisition and construction of such facilities and the equipping thereof, and the payment of the revenue bond by the payments of Poll Properties under the Bond Purchase and Loan Agreement, Lease, Mortgage, Security Agreement and Trust Indenture, complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of acquisition of real estate and construction and

equipping of an approximately 13,000 sq. ft. warehouse and office facility for storage and distribution of wholesale electrical supplies, located at Block 34, Interstate Industrial Park, Section "H", in the City of Fort Wayne, Indiana (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Bond Purchase and Loan Agreement, Mortgage, Security Agreement, and Trust Indenture, Bond, Promissory Note, Collateral Assignment of Leases and Rents, Lease, and form of Ordinance, approved by the Fort Wayne Economic Development Commission are hereby approved and each shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I. C. 36-15-4, two (2) copies of each of said documents are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne shall issue its Economic Development Revenue Bond, (Poll Properties Project) in the total principal amount of Six Hundred Thousand Dollars (\$600,000.00) with final maturity December 1, 2000. Said bond is to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Bond Purchase and Loan Agreement, Mortgage, Security Agreement and Trust Indenture incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by Poll Properties or as otherwise provided for under the Bond Purchase and Loan Agreement, Mortgage Security Agreement and Trust Indenture, or Lease. The bonds shall be issued in fully registered form in the initial denomination of \$600,000.00 and subject to amortization as provided in the bond. The bond shall be prepayable as provided in Paragraph 15 of the Bond Purchase and Loan Agreement. Payments of principal and interest are payable in lawful money of the United States of America. Payments of principal and interest are payable by check or draft mailed to the registered owner of the bond as provided in the Bond Purchase and Loan Agreement. The bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the

City of Fort Wayne, nor is the bond payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bond to the purchaser thereof at a price of not less than 100% of the principal amount thereof. The bond shall bear interest at a rate of 10 1/2% per annum or at such other rate as provided for in the Bond Purchase and Loan Agreement and the Mortgage, Security Agreement, and Trust Indenture.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City which are approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bond authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modifications or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bond to the Trustee or Co-Trustee named in the Mortgage, Security Agreement and Trust Indenture, and payment for the bond will be made to the Trustee or Co-Trustee named in the Mortgage, Security Agreement and Trust Indenture, and after such payment the bond will be delivered by the Trustee or Co-Trustee to the purchaser thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bond to the Trustee or Co-Trustee within ninety days of the adoption of this ordinance. The bond shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Mortgage, Security Agreement and Trust Indenture shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond (Poll Properties Project) and after the issuance of said bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder or holders so long as said bond or the interest thereof remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana Special Ordinance as No. S-247-85 on the 17th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor



AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$6,000,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT REVENUE BONDS SERIES 1985 (GEORGETOWN PLACE VENTURE PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO GEORGETOWN PLACE VENTURE, AN INDIANA LIMITED PARTNERSHIP, TO ASSIST IN THE FINANCING OF AN ECONOMIC DEVELOPMENT FACILITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9, is authorized and empowered among other things (a) to make a loan for the acquisition, construction, equipping and installation of an economic development facility within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction, equipping and installation of the Project, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the aggregate principal amount of \$6,000,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9; and

WHEREAS, the Fort Wayne Economic Development Commission has determined that the acquisition, construction, equipping and installation of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. **Definitions.** In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"ACT" means Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9, and such further amendments and supplements thereto such as are hereunder adopted.

"AGREEMENT" or "LOAN AGREEMENT" means the Loan Agreement dated as of December 1, 1985, between the Issuer and the Company, and any permitted amendments or supplements thereto.

"BONDS" means the Bonds authorized in Section 3 or 4 hereof, registered in the name of the Holder as to principal and interest, including any Bond issued in exchange therefor as provided in the Indenture; and, initially, one (1) fully registered Bond, numbered R-1 in the original principal amount of \$6,000,000.

"BOND FUND" means the Bond principal, premium and interest fund created by Section 9 hereof.

"BONDHOLDER" or "HOLDER" means, initially, the Original Purchaser, and any subsequent person in whose name any Bond is registered; provided that, solely as used in the definitions of "Determination of Taxability" and "Event of Taxability", the term "Bondholder" also includes the owner of an undivided participation interest in any Bond.

"BOND LEGISLATION" means this ordinance.

"BOND PURCHASE AGREEMENT" means the Bond Purchase Agreement dated as of December 1, 1985, among the Issuer, the Trustee, the Company and the Original Purchaser, and any permitted amendments or supplements thereto.

"BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period. Any "late charge" and any payment required to be made on the Bonds with interest at the Interest Rate for Advances shall also constitute a Bond Service Charge.

"CODE" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"COMPANY" means Georgetown Place Venture, an Indiana limited partnership, and its successors and assigns, including any surviving, resulting or transferee entity as provided in Section 5.7 of the Agreement.

"COMPLETION DATE" means the date of completion of the acquisition, installation, equipping and construction of the Project as that date shall be certified as provided in Section 3.5 of the Agreement.

"CONSTRUCTION FUND" means the fund created by Section 7 hereof.



"DETERMINATION OF TAXABILITY" means (i) the filing by the Company or any other person or entity of any statement, supplemental statement or other tax schedule, return or document (whether pursuant to Treasury Regulations §1.103-10(b)(2)(vi)(c) or otherwise) which discloses that an Event of Taxability has occurred, or (ii) the final assertion by the Internal Revenue Service or any agent thereof to the effect that interest on the Bonds is includable in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code) or (iii) the final adoption of legislation or regulations or a final determination, decision, decree or ruling of any judicial or administrative authority which has the effect of requiring interest on the Bonds to be included in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code). For purposes of clause (iii) in the preceding sentence, a decision, decree or ruling by any judicial or administrative authority shall be considered final upon the expiration or waiver of all periods for judicial review or appeal, as the case may be.

"ELIGIBLE INVESTMENTS" means (i) any bonds or other direct obligations of the United States of America; (ii) obligations of the Federal National Mortgage Association or the Government National Mortgage Association; (iii) obligations of the Federal Intermediate Credit Banks; (iv) obligations of Federal Banks for Cooperatives; (v) obligations of Federal Land Banks; (vi) obligations of the Federal Financing Bank; (vii) bank repurchase agreements issued by a Federal Reserve member bank, including

the Trustee, fully secured by obligations of any of the kinds specified in clauses (i) through (vi) above; (viii) time deposits, certificates of deposit, documented discount notes secured by stand-by letters of credit, bank reverse repurchase agreements or bankers acceptances of banks or trust companies, including the Trustee, organized under the laws of the United States of America or any state thereof, which have combined capital and earned and unearned surplus of at least \$25,000,000 in dollars of the United States of America; (ix) commercial paper or finance company paper which is rated not less than prime-one or A-1 or their equivalents by Moody's Investors Service, Inc., or Standard & Poor's Corporation, respectively, or their successors, or both, if rated by both; or (x) obligations of any state of the United States of America or of any political subdivision or other instrumentality of any such state, which are rated at least "A" or its equivalent by either Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors, or both, if rated by both.

"EVENT OF TAXABILITY" means the occurrence of circumstances which a Determination of Taxability shall have found to have occurred, or which shall constitute a Determination of Taxability, and which results in the interest payable on the Bonds becoming includable in the gross income for federal income tax purposes of any Bondholder (other than a Bondholder who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103 of the Code), such occurrence of circumstances relating to a specific point in time without limiting the generality of the foregoing, the incurring of capital expenditures in excess of those permitted under Section 103(b)(6)(D) of the Code, thereby causing any interest payable on the Bond to be includable in the gross income of any Bondholder under the Code, shall constitute an Event of Taxability.

"EXECUTIVE" means the Mayor of the Issuer.

"FINAL MATURITY DATE" means January 1, 2016.

"FISCAL OFFICER" means the City Clerk of the Issuer.

"GUARANTY" means the Guaranty Agreement dated as of December 1, 1985, between those persons and the corporation listed below, as Guarantors, and the Trustee, whereby said Guarantors have unconditionally guaranteed to the Trustee payment of the Note in accordance with the terms thereof:

- (A) Wayne M. Shive and Ann W. Shive;
- (B) George H. Headford and Daisy L. Headford;
- (C) N. Reed Silliman and Katherine W. Silliman; and
- (D) Shive Nursing Centers, Inc., an Indiana corporation.

"INDENTURE" means the Trust Indenture dated as of December 1, 1985, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"INTEREST PAYMENT DATE" means the first day of each month commencing February 1, 1986, and continuing monthly thereafter.

"INTEREST RATE FOR ADVANCES" means the annual rate of interest which is equal to the rate of interest per annum publicly announced by Lincoln National Bank and Trust Company of Fort Wayne from time to time to be the Lincoln National Bank Base Rate, whether or not such Bank shall at times lend to borrowers at lower rates of interest, plus two percent (2%); provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"ISSUER" means the City of Fort Wayne, Indiana.

"ISSUING AUTHORITY" means the Common Council of the Issuer.

"LAND USE RESTRICTION AGREEMENT" means the Land Use Restriction Agreement and Declaration of Covenants dated as of December 1, 1985, among the Company, the Issuer and the Trustee, under the terms of

which the parties agree that the Project shall be owned, managed and operated as a project to provide residential rental property comprised of residential dwelling units and facilities functionally related and subordinate thereto, in accordance with Section 103(b)(4)(A) of the Code and the applicable Treasury Regulations.

"LEGAL OFFICER" means either the City Attorney of the Issuer or the Counsel to the Economic Development Commission.

"MORTGAGE" means the Mortgage and Security Agreement dated as of December 1, 1985, whereby the Company has granted to the Trustee, as security for payment of the Note and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"NOTE" means the Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by the Company to the Issuer concurrent with the delivery of the Loan Agreement.

"NOTE PAYMENTS" means any and all payments of principal of and interest, and prepayment premiums or Additional Payments, if any, on the Note.

"ORIGINAL BOND" means one (1) Bond R-1, in the aggregate principal amount of \$6,000,000.

"ORIGINAL PRINCIPAL SUM" means \$6,000,000, the aggregate original face amount of the Bonds.

"ORIGINAL PURCHASER" means Lincoln National Bank and Trust Company of Fort Wayne, Fort Wayne, Indiana.

"OUTSTANDING BOND" or "BOND OUTSTANDING" or "OUTSTANDING" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

(a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date,

(b) Any Bond for which sufficient moneys have been deposited with the Trustee for the payment, redemption or purchase for cancellation of, whether upon or prior to the Final Maturity Date or the redemption date of any such Bond, or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

(c) Any Bond in lieu of which another has been authenticated (or payment, when due, of which is made without replacement) under Section 2.04 of the Indenture, and

(d) For the purpose of determining whether the Holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Company or any person owned, controlled by, under common control with or controlling the Company shall be disregarded and deemed to be not outstanding. The term

"control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"PAYMENT IN FULL OF THE BONDS" means the first date when the Bonds are no longer deemed to be outstanding pursuant to Section 8.02 of the Indenture.

"PERSON" means natural persons, firms, associations, corporations and public bodies.

"PLEGEO RECEIPTS" means (a) the Note Payments, (b) subject to the provisions of Sections 3.04, 4.02 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of any Bondholder, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, in respect of the Agreement or the Project, except certain expense, reimbursement and indemnity payments which are, pursuant to the provisions of the Agreement, to be made by the Company directly to the Issuer or the Trustee, (c) any moneys on deposit in the Construction Fund or the Bond Fund and (d) the income and profit from the investment of any moneys while held in the Construction Fund or the Bond Fund.

"PROJECT" means the Project Site and the real, personal, or real and personal property, including undivided interests or other interests therein, identified in Exhibit A to the Agreement, or acquired, constructed or installed as a replacement or substitution therefor or an addition thereto, or as may result from a revision of the plans and specifications therefor in accordance with the provision of the Loan Agreement or Mortgage.

"PROJECT SITE" means the real estate and interests in real estate constituting the site of and part of the Project, as described in Exhibit B to the Agreement, and as also described in Exhibit 1 to this Ordinance.

"STATE" means the State of Indiana.

"TAXABLE RATE OF INTEREST" means the Interest Rate for Advances.

"TRUSTEE" means the Trustee at the time acting as such under the Indenture, originally Lincoln National Bank and Trust Company of Fort Wayne, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, the Issuing Authority, or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner, at the times, and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, any pronoun shall be deemed to cover all genders, and the terms "herein", "hereof", "hereby", "hereunder", and similar terms, mean this Bond Legis-

lation and the Indenture and not solely the portion hereof in which any such word is used.

Section 2. **Determination of Issuing Authority.** Pursuant to the Act, the Issuing Authority hereby finds and determines that the Project is an "economic development facility" as defined in the Act and that all actions required under the Act to be taken by the Issuer prior to the issuance of the Bonds have been duly authorized and completed.

Section 3. **Authorization of Bonds.** It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds in the aggregate principal amount of \$6,000,000 for the purpose of financing costs of acquiring, constructing, equipping and installing the Project, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Loan Agreement and the Bond Purchase Agreement. The Bonds shall be designated "Economic Development Revenue Bonds Series 1985 (Georgetown Place Venture Project)."

Section 4. **Additional Bonds.** One or more series of Bonds in addition to the Original Bonds (herein referred to as "Additional Bonds") may, with the consent of the Holders of all Bonds then outstanding, be authenticated and delivered from time to time for one or more of the purposes of (i) refunding entirely one or more series of Bonds outstanding hereunder, if such Bonds may otherwise be refunded, (ii) advance refunding entirely one or more series of Bonds outstanding hereunder, regardless of whether such Bonds may otherwise be refunded, if the same is then permitted by law by depositing with the Trustee, in trust for the sole benefit of such series of Bonds, cash or investments (but only to the extent that the full faith and credit of the United States of America are pledged to the timely payment thereon in a principal amount which will, together with the income or increment to accrue thereon, be sufficient to pay and redeem (when redeemable) and discharge such series of Bonds at or before their respective maturity dates, and (iii) financing the cost or estimated cost of completing the Project or of acquiring, equipping, constructing and/or renovating additional improvements to the Project, and, in each case, obtaining additional funds to pay the costs to be incurred in connection with such Additional Bonds, to establish reserves with respect thereto and to pay interest during the estimated construction period of completing the additional improvements, if any. Each series of Additional Bonds issued hereunder shall be equal in aggregate principal amount to the principal amount of the Additional Note being then currently issued.

Prior to the delivery by the Issuer of any of such Additional Bonds, there shall be filed with the Trustee:

1. A supplement to this Indenture executed by the Issuer and the Trustee authorizing the issuance of such Additional Bonds, specifying the terms thereof, pledging and assigning the Additional Note being then currently issued as security therefor and providing for the disposition of the proceeds of the sale thereof.
2. The supplement or amendment to the Loan Agreement and the other instruments, documents, certificates and opinions referred to in Section 5.2 of the Loan Agreement.
3. The Additional Note being then concurrently issued, made payable to the order of the Issuer, duly executed by the Company and endorsed by the Issuer to the order of the Trustee.
4. A copy, duly certified by the Fiscal Officer of the Issuer, of the ordinance theretofore adopted and approved by the Issuer authorizing the execution and delivery of such supplemental indenture and such supplement to the Loan Agreement and the issuance of such Additional Bonds.
5. A Written Request of the Issuer to the Trustee to authenticate and deliver such Additional Bonds.
6. Written consent to the issuance of Additional Bonds by the Holders of all of the Bonds then outstanding.

Any Additional Bonds issued in accordance with the terms of this Section shall be secured by this Indenture and shall be equally and ratably payable from all Notes issued under the Loan Agreement, but such Additional Bonds may bear such date or dates, such interest rate or rates, and with such maturities, redemption dates and premiums as may be agreed upon by the Issuer and the purchaser of such Additional Bonds.

Section 5. **Terms of Bonds.** The Bonds shall be issued in fully registered form and shall be exchangeable for fully registered Bonds in the manner and on the terms provided in the Indenture, shall be numbered from R-1 upwards, and shall be in substantially the form set forth therefor in the Indenture.

Bonds shall be in the denominations of \$5,000 and any multiple thereof, and shall be of a single maturity of the same series; provided that the Fiscal Officer with the approval of the Trustee may authorize issuance of one or more Bonds representing more than one maturity of the same series with appropriate changes in the form of such a Bond to cover more than one maturity, such approval and authorization to be evidenced as provided in the Indenture.

Each Bond shall be dated as of the date of its delivery or exchange, provided that if at the time of authentication of any Bond interest is in default thereon, such Bond shall be dated as of the date to which interest has been paid.

The Bonds being initially delivered to Lincoln National Bank and Trust Company of Fort Wayne, as the Original Purchaser, shall be one (1) Bond numbered R-1 in the original aggregate principal amount of \$6,000,000 with interest thereon at a rate of 75% of the rate of interest per annum published in the Money Section of the Wall Street Journal as the "Prime Rate" (the "Bond Interest Rate"). In the event that the Wall Street Journal shall discontinue the publication of a Prime Rate as contemplated herein, then the "Bond Interest Rate" shall be 75% of the rate of interest per annum publicly announced by the Lincoln National Bank and Trust Company of Fort Wayne from time to time to be the Lincoln National Bank Base Rate, whether or not such Bank shall at times lend to borrowers at lower rates of interest.

The Initial Bond Interest Rate shall be determined as of the date of delivery of the Bonds to the Original Purchaser thereof and shall be subject to adjustment on the 1st day of August, 1987, and on the 1st day of August of each succeeding year thereafter. Each date on which the Bond Interest Rate will be subject to adjustment is referred to herein as a "Change Date." Any Bond Interest Rate adjustment made in accordance with the provisions hereof shall become effective on the corresponding Change Date. In addition, in the event of an increase or decrease in the corporate tax rate, as specified by the Internal Revenue Code, after the date of delivery of the Bonds, the Bond Interest Rate shall be decreased (in the case of an increase in the corporate tax rate) or increased (in the case of a decrease in the corporate tax rate) effective as of the date of such change in the corporate tax rate. For purposes of this paragraph, in the event of an increase or decrease in the corporate tax rate, the Bond Interest Rate shall be adjusted to a rate of interest which is equal to the product of (i) the Bond Interest Rate prior to any adjustment times (ii) a fraction (expressed as a decimal) the numerator of which is the number 1 minus the corporate tax rate in effect following the change in such rate and the denominator of which is the number 1 minus the corporate tax rate in effect on the date of delivery of the Bonds. For purposes of this section, the "corporate tax rate" shall mean the highest marginal statutory rate of federal income tax imposed on corporations by the Internal Revenue Code. The Trustee shall notify the Company in writing of any Bond Interest Rate adjustment within 10 days following the Change Date.

Interest only shall be payable monthly commencing on February 1, 1986, and on the first day of each succeeding month thereafter to and including July 1, 1987. Principal and interest shall be payable in monthly installments commencing on August 1, 1987, and on the first day of each month thereafter to and including January 1, 2016. The amount of each of the aforementioned monthly installment payments shall be an amount sufficient to repay the unpaid principal balance of the Bonds in full on January 1, 2016, in substantially equal monthly payments with interest at the Bond Interest Rate in effect at the time of such monthly principal and interest payment. The balance of principal together with accrued interest shall, in any event, be due and payable on January 1, 2016. In the event of an adjustment in the Bond Interest Rate on a Change Date, the Trustee shall determine the amount of the new monthly principal and interest payment and shall notify the Company of such payment amount within 10 days following the Change Date. Such new payment amount shall become effective on the first day of the month immediately following the Change Date.

All payment provisions herein set forth are subject to the provisions hereinafter set forth with respect to redemption prior to maturity as they may become applicable hereto. Upon full and complete payment as provided herein, the Bonds shall be deemed fully paid and retired upon the making of the final payment provided for herein. Upon any transfer and surrender of said Bond numbered R-1 in accordance with the provisions of the Indenture, the Issuer shall execute and deliver a new Bond or Bonds in exchange therefor as provided in the Indenture.

The Bonds are subject to optional redemption, in whole or in part, prior to maturity by the Issuer at the direction of the Company on any Interest Payment Date. Any prepayment amount may consist of the entire principal amount of the Bonds then outstanding, or any part thereof, except that if less than the entire amount, then such partial prepayment amount shall be a multiple of \$5,000, plus accrued interest to the redemption date. The redemption date in any such event shall be the date set by the Company for prepayment of the Note in accordance with the provisions of such Section 7.1(a) of the Loan Agreement.

The Bonds shall also be callable for redemption in whole or in part, upon occurrence of any of the circumstances which operate to require prepayment of the Note in whole or in part by the Company in accordance with the provisions of Sections 7.1(b) and 7.2 of the Loan Agreement. The redemption date in any of such events shall be the date set by the Company, (or in default thereof, by the Trustee) for the prepayment of the Note in whole or in part in accordance with the provisions of the Loan Agreement. The redemption price in any of such events shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date.

The Bonds shall also be callable for redemption in whole, but not in part, by the Issuer at the option and direction of the Holders in majority amount Outstanding of the Bonds, on December 1, 1995, or at any time thereafter. The redemption date in such event shall be the date set by the Trustee in accordance with the provisions of Section 7.3 of the Loan Agreement.

Notice by the Holders in majority amount Outstanding of the Bonds that they intend to exercise their option to cause the Issuer to call the Bonds for redemption, as provided above, shall be given by such Holders to the Trustee, the Company and the Issuer by mailing a copy of such notice by registered or certified mail at least 180 days prior to the date fixed for redemption.

In the event of a Determination of Taxability, the interest rate on the Bonds shall be immediately increased to the Taxable Rate of Interest. In addition, the Bondholders shall, in the event of a Determination of Taxability, be paid by Issuer an amount equal to the difference between (a) (i) the aggregate amount of interest which would have been payable on the

Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of Interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys' fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds from the date of the Event of Taxability to the time of the Determination of Taxability.

The obligation of the Issuer to make payments of interest on and/or principal of the Bonds which remains outstanding after any partial redemption shall not be affected by such partial redemption, such partial redemption operating instead to pay and redeem the principal of this Bond at dates earlier than the originally scheduled principal amortization dates, in inverse chronological order.

Notice from the Company to the Trustee that the Note is to be prepaid in whole or in part pursuant to the Agreement shall also constitute direction by the Issuer to the Trustee to shorten the payment schedule and move the final payment date forward, and no separate notice from the Issuer to the Trustee shall be required.

Notice of the call for any redemption of Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Bonds or portions of Bonds to be redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the issuer by mailing a copy of the redemption notice by registered or certified mail at least thirty (30) days prior to the date fixed for redemption to the Holder or Holders thereof at the address shown on the registration books kept by the Trustee, provided, however, that failure to give such notice to any Bondholder by mailing, or any defects in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Bonds. The Holder or Holders of Bonds may waive any notice of redemption in writing, and in such event, no notice of any kind need be given with respect to the Bonds of such Holder or Holders to be so redeemed.

All Bond Service Charges on Bonds shall be payable by check or draft drawn upon the Trustee and mailed or delivered to the Bondholder at its address as shown on the Bond registration books to be kept by the Trustee, provided however that the final Bond Service Charges shall be payable at the corporate trust office of the Trustee upon presentation and surrender of the Bond at such office. All payments of Bond Service Charges shall be made in lawful money of the United States of America, without deduction for services as paying agent. In addition, upon acceleration of the Bond, the amounts payable upon such acceleration, together with interest thereon at the Interest Rate for Advances from the date of acceleration, shall continue as an obligation of the issuer until paid. All payments from the issuer referred to herein shall be payable solely from the Pledged Receipts.

All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Subject to provisions of the Bond Legislation, Bonds shall be issued as fully registered Bonds, and may be exchanged as provided in the Indenture. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

The Bonds shall be executed on behalf of the Issuer by the Executive and by the Fiscal Officer, provided that any or all of such signatures may be facsimiles, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on any Bond, shall cease to be such officer before the Issuance, authentication or delivery of the Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until after that time.

**Section 6. Security for the Bonds.** As provided herein, the Bonds shall be payable solely from the Bond Fund and the Pledged Receipts and secured by a pledge of and lien on the Pledged Receipts and the Bond Fund, and shall be further secured by the Mortgage, the Indenture and the Guaranty. Neither the Bond Legislation, the Bonds, the Indenture, the Loan Agreement, nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect.

**Section 7. Sale of Bonds.** The Bonds are hereby sold and awarded to the Original Purchaser, in accordance with its offer therefor in the Bond Purchase Agreement, at a purchase price of 100% of the principal amount of the Bonds to be purchased by it, aggregating \$5,000,000, plus accrued interest from the date of delivery of the Bonds. The Executive and the Fiscal Officer are authorized and directed to make on behalf of the Issuer the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to such Original Purchaser, and to take all steps necessary to effect due execution, authentication and delivery to the Original Purchaser of the Bonds purchased by it under the terms of this Bond Legislation, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and the sale thereof, all as provided in this Bond Legislation and the Bond Purchase Agreement, are in the best interest of the Issuer and consistent with all legal requirements.

**Section 8. Allocation of Proceeds of Bond - Construction Fund.** There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund in the name of the Issuer to be designated "City of Fort Wayne - Georgetown Place Venture Construction Fund." All of the sums from the sale of the Bonds, except accrued interest on the Bonds, shall be deposited in the Construction Fund and disbursed by the Trustee in accordance with the Loan Agreement. The Trustee is authorized and directed to issue its check for each such disbursement. The moneys to the credit of the Construction Fund (including the proceeds from the sale of investments thereof) shall, pending applications thereof as above set forth, be subject to a lien and charge in favor of the Holder.

**Section 9. Source of Payment - Bond Fund.** As provided in the Agreement, Note Payments, sufficient in time and amount to pay the Bond Service Charges as they come due, are to be paid by the Company directly to the Trustee for the account of the Issuer and deposited in the Bond Fund.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - Georgetown Place Venture Bond Fund." Subject to the provisions of the Mortgage, the Bond Fund and the moneys therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond Service Charges as they fall due at stated maturity or by amortization or redemption, all as provided herein and in the Indenture and the Agreement. Except as otherwise provided in this Bond Legislation or in the Mortgage, there shall be deposited into the Bond Fund, as and when received, all Pledged Receipts.

The Issuer covenants and agrees that, until Payment in Full of the Bonds, it will deposit or cause to be deposited in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond Service Charges as the same become due and payable, and to this end the Issuer covenants and agrees that it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholder to fully protect the rights and security of the Bondholder hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges any funds other than the Bond Fund and the Construction Fund or revenues from any source other than Pledged Receipts.

The issuer covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purposes) are sufficient in amount to redeem the entire principal amount of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, and any applicable premiums, to take and cause to be taken, upon notification by the Company or the Trustee, the necessary steps to redeem the Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

**Section 10. Covenants of Issuer.** In addition to other covenants of the issuer in the Bond Legislation, the Indenture, and the Land Use Restriction Agreement, the Issuer further covenants and agrees as follows:

(e) **Payment of Bond Service Charges.** The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond Service Charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds.

(b) **Performance of Covenants, Authority and Actions.** The Issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, Bond Purchase Agreement, the Indenture, the Land Use Restriction Agreement, and the Bonds, required therein to be observed and performed by the Issuer. The Issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, to execute the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth, that all actions on its part for the issuance of the Bonds, and the execution and delivery of the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, have been or will be duly and effectively taken, and that the Bonds will be valid, binding and enforceable special obligations of the Issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Bond Purchase Agreement, the Agreement and the Bonds is binding upon each such officer of the Issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision.

(c) **Pledged Receipts.** Except as otherwise provided in the Bond Legislation, Indenture, Bond Purchase Agreement and Agreement, the Issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Construction Fund, the Bond Fund or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) **Recordings and Filings.** The Issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the Issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture, and in pursuance thereof the Company has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 6.9 of the Agreement.

(e) **Inspection of Project Books.** All books and documents in the Issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) **Maintenance of Agreement.** The Issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the Issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the Issuer, Trustee and Bondholder thereunder, including actions at law and in equity, as may be appropriate.

(g) **Rights Under Agreement.** The Trustee, in its name or in the name of the Issuer, may, for and on behalf of the Bondholder, enforce all rights of the Issuer and all obligations of the Company under and pursuant to the Agreement, whether or not the Issuer is in default of the pursuit or enforcement of such rights and obligations.

(h) **Arbitrage Provisions.** The Issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the Issuer, or any officer of the Company, and upon receipt of satisfactory indemnities from the Company, to give an appropriate certificate on behalf of the Issuer, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to such Section 103(c) and regulations thereunder.

Section 11. Investment of Bond Fund and Construction Fund Money  
 Moneys in the Bond Fund and the Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any written orders, or oral orders confirmed promptly in writing, of an authorized representative of the Company with respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond Service Charges as they fall due at stated maturity or by amortization or redemption, and that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Fund. Subject to any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys hereunder at the times required for the purposes of paying Bond Service Charges when due as aforesaid. An investment made from moneys credited to the Bond Fund or Construction Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income or loss from such investment. The Company has covenanted in the Agreement to restrict the use of the proceeds of the Bonds so that they will not constitute arbitrage bonds under the Code.

Section 12. Authorization of Agreement, Bond Purchase Agreement, Indenture, Assignment, and Land Use Restriction Agreement  
 in order to better secure the payment of the Bond Service Charges as the same shall become due and payable, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the issuer, the Agreement, the Bond Purchase Agreement, the Indenture, the Assignment of the Note, and the Land Use Restriction Agreement in substantially the forms submitted to this Issuing Authority, which are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the issuer as may be permitted by the Act and approved by the Legal Officer and by the persons

executing the same. The approval of such changes by the Legal Officer and such members, and that such are not substantially adverse to the issuer, shall be conclusively evidenced by the execution of the Agreement, the Bond Purchase Agreement, the Indenture, the Assignment, and the Land Use Restriction Agreement by such persons.

The Executive and Fiscal Officer are each hereby separately authorized to take any and all actions and to execute such financing statements, election statement, certificates and other instruments that may be necessary or appropriate in the opinion of the Legal Officer and bond counsel, in order to effect the issuance of the Bonds and the intent of this Bond Legislation. The Fiscal Officer, or other appropriate officer of the issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 13. Designation of Economic Development Target Area  
 It is hereby found and determined that the Project Site is in an area that has become undesirable or impossible for normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors that have impaired values or prevent a normal development of property or use of property. It is further found and determined that the total land area of the Project Site, when added to the total land area previously designated by the Issuing Authority pursuant to IC 36-7-12-38 as an Economic Development Target Area, is less than 15% of the total geographic territory of the Issuer. This Common Council, therefore, having received a favorable recommendation from the Fort Wayne Economic Development Commission, hereby designates the Project Site as an Economic Development Target Area in accordance with the provisions of IC 36-7-12-38.

Section 14. Effective Date. This Bond Legislation shall take effect and be in force immediately upon its adoption.

Ben A. Eisbart  
 Councilman

Adopted by Economic Development Commission  
 Approved as to form and legality:

John J. Wernet, Esquire, Attorney  
 for the City of Fort Wayne, Indiana

Dated this 14<sup>th</sup> day of December, 1985

Approved as to form and legality:

Bruce O. Bonberger, City Attorney  
 Dated this 15<sup>th</sup> day of December, 1985



Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-248-85 on the 17th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

Bill Number 0-85-12-29

3460

SPECIAL ORDINANCE NO. 248-85

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$850,000 AGGREGATE PRINCIPAL AMOUNT OF ECONOMIC DEVELOPMENT REVENUE BONDS SERIES 1985 (HAGERMAN CONSTRUCTION CORPORATION PROJECT) OF THE CITY OF FORT WAYNE, INDIANA, THE PROCEEDS OF WHICH SHALL BE LOANED TO HAGERMAN CONSTRUCTION CORPORATION, AN INDIANA CORPORATION, TO ASSIST IN THE FINANCING OF AN ECONOMIC DEVELOPMENT FACILITY; PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS; AUTHORIZING A LOAN AGREEMENT, TRUST INDENTURE, BOND PURCHASE AGREEMENT AND ASSIGNMENTS APPROPRIATE FOR THE PROTECTION AND DISPOSITION OF SUCH REVENUES AND TO FURTHER SECURE SUCH BONDS; AND AUTHORIZING OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer"), is a municipal corporation and political subdivision in and of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9, is authorized and empowered among other things (a) to make a loan for the acquisition, construction, equipping and installation of an economic development facility within the boundaries of the Issuer, (b) to issue and sell its revenue bonds to provide moneys for such loan, and (c) to enact this Bond Legislation and execute and deliver the assignments and agreements hereinafter identified; and

WHEREAS, this Common Council has determined and does hereby confirm that the acquisition, construction, equipping and installation of the Project, as hereinafter defined, will promote the welfare of the people of the Issuer, create or preserve jobs and employment opportunities, and assist in the development of economic, manufacturing and industrial activities to the benefit of the people of the Issuer, and that the Issuer, by assisting with the financing of the Project through the issuance of revenue bonds in the aggregate principal amount of \$850,000, will be acting in a manner consistent with and in furtherance of the provisions of Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9; and

WHEREAS, the Fort Wayne Economic Development Commission has determined that the acquisition, construction, equipping and installation of the Project will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere in this Bond Legislation and in the Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent. Those words and terms not expressly defined herein and used herein with initial capitalization where rules of grammar do not otherwise require capitalization shall have the meanings assigned to them in the Agreement, as hereinafter defined.

"ACT" means Indiana Code, Title 36, Article 7, Chapter 12, as amended and supplemented by Indiana Code, Title 36, Article 7, Chapter 11.9, and amendments and supplements thereto such as are hereunder adopted.

"AGREEMENT" or "LOAN AGREEMENT" means the Loan Agreement dated as of December 1, 1985, between the Issuer and the Company, and any permitted amendments or supplements thereto.



"BONDS" means the Bonds authorized in Section 3 or 4 hereof, registered in the name of the Holder as to principal and interest, including any Bond issued in exchange therefor as provided in the Indenture; and, initially, one (1) fully registered Bond, numbered R-1 in the original principal amount of \$850,000.

"BOND FUND" means the Bond principal, premium and interest fund created by Section 9 hereof.

"BONDHOLDER" or "HOLDER" means, initially, the Original Purchaser, and any subsequent person in whose name any Bond is registered, provided that, solely as used in the definitions of "Determination of Taxability" and "Event of Taxability", the term "Bondholder" also includes the owner of an undivided participation interest in any Bond.

"BOND LEGISLATION" means this ordinance.

"BOND PURCHASE AGREEMENT" means the Bond Purchase Agreement dated as of December 1, 1985, among the Issuer, the Trustee, the Company and the Original Purchaser, and any permitted amendments or supplements thereto.

"BOND SERVICE CHARGES" for any time period means the principal, including any amortization or redemption requirements, interest, and redemption premium, if any, required to be paid by the Issuer on the Bonds for such time period. Any "late charge" and any payment required to be made on the Bonds with interest at the Interest Rate for Advances shall also constitute a Bond Service Charge.

"CODE" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

"COMPANY" means Hagerman Construction Corporation, an Indiana corporation, and its successors and assigns, including any surviving, resulting or transferee entity as provided in Section 6.7 of the Agreement.

"COMPLETION DATE" means the date of completion of the acquisition, installation, equipping and construction of the Project as that date shall be certified as provided in Section 3.5 of the Agreement.

"CONSTRUCTION FUND" means the fund created by Section 7 hereof.

"DETERMINATION OF TAXABILITY" means (i) the filing by the Company or any other person or entity of any statement, supplemental statement or other tax schedule, return or document (whether pursuant to Treasury Regulations § 1.103-10(b)(2)(vi)(c) or otherwise) which discloses that an Event of Taxability has occurred, or (ii) the final assertion by the Internal Revenue Service or any agent thereof to the effect that interest on the Bonds is includable in the gross income for federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code) or (iii) the final adoption of legislation or regulations or a final determination, decision, decree or ruling of any judicial or administrative authority which has the effect of requiring interest on the Bonds to be included in the gross income for Federal income tax purposes of any Holder (other than a Holder who is a "substantial user" of the Project or a "related person", as those terms are used in Section 103 of the Code). For purposes of clause (iii) in the preceding sentence, a decision, decree or ruling by any judicial or administrative authority shall be considered final upon the expiration or waiver of all periods for judicial review or appeal, as the case may be.

"ELIGIBLE INVESTMENTS" means (i) any bonds or other direct obligations of the United States of America, (ii) obligations of the Federal National Mortgage Association or the Government National Mortgage Association, (iii) bank repurchase agreements issued by a Federal Reserve member bank, including the Trustee, fully secured by obligations of any of the kinds specified in clauses (i) and (ii) above; (iv) time deposits, certificates of deposit, documented discount notes secured by stand-by letters of credit, bank reverse repurchase agreements or bankers acceptances of banks or trust companies, including the Trustee, organized under the laws of the United States of America or any state thereof, which have combined capital and earned and unearned surplus of at least \$25,000,000 in dollars of the United States of America; (v) commercial paper or finance company paper which is rated not less than prime-one or A-1 or their equivalents by Moody's Investor Service, Inc., or Standard & Poor's Corporation, respectively, or their successors, or both, if rated by both; or (vi) obligations, of any state of the United States of America or of any political subdivision or other instrumentality of any such state, which are rated at least "A" or its equivalent by either Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors, or both, if rated by both.

"EVENT OF TAXABILITY" means the occurrence of circumstances which a Determination of Taxability shall have found to have occurred, or which shall constitute a Determination of Taxability, and which results in the interest payable on the Bonds becoming includable in the gross income for Federal income tax purposes of any Bondholder (other than a Bondholder who is a "substantial user" of the Project or a "related person" as those terms are used in Section 103 of the Code), such occurrence of circumstances relating to a specific point in time. Without limiting the generality of the foregoing, the incurring of capital expenditures in excess of those permitted under Section 103(b)(6)(D) of the Code, thereby causing any interest payable on the Bond to be includable in the gross income of any Bondholder under the Code, shall constitute an Event of Taxability.

"EXECUTIVE" means the Mayor of the Issuer.

"FINAL MATURITY DATE" means December 1, 1997.

"FISCAL OFFICER" means the City Clerk of the Issuer.

"INDENTURE" means the Trust Indenture dated as of December 1, 1985, between the Issuer and the Trustee, including this Bond Legislation as a part thereof, and any permitted amendments or supplements thereto.

"INTEREST PAYMENT DATE" means the first day of each June and December, commencing June 1, 1986, to and including December 1, 1987, and then the first day of each month commencing January 1, 1988, and continuing monthly thereafter.

"INTEREST RATE FOR ADVANCES" means the annual rate of interest which is equal to the rate of interest per annum publicly announced by Lincoln National Bank and Trust Company of Fort Wayne from time to time to be the Lincoln National Bank Base Rate, whether or not such Bank shall at times lend to borrowers at lower rates of interest, plus two percent (2%); provided that in no event shall the Interest Rate for Advances exceed the rate permitted by law.

"ISSUING AUTHORITY" means the Common Council of the Issuer.

"LEGAL OFFICER" means either the City Attorney of the Issuer or the Counsel to the Economic Development Commission.

"MORTGAGE" means the Mortgage and Security Agreement dated as of December 1, 1985, whereby the Company has granted to the Trustee, as security for payment of the Note and the Bonds, a mortgage on and security interest in the Project and the Project Site, and any permitted amendments or supplements thereto.

"NOTE" means the Promissory Note, in the form attached as Exhibit C to the Loan Agreement, issued by the Company to the Issuer concurrent with the delivery of the Loan Agreement.

"NOTE PAYMENTS" means any and all payments of principal of and interest, and prepayment premiums or Additional Payments, if any, on the Note.

"ORIGINAL BOND" means one (1) Bond R-1, in the aggregate principal amount of \$550,000.

"ORIGINAL PRINCIPAL SUM" means \$550,000, the aggregate original face amount of the Bonds.

"ORIGINAL PURCHASER" means Lincoln National Bank and Trust Company of Fort Wayne, Fort Wayne, Indiana.

"OUTSTANDING BOND" or "BOND OUTSTANDING" or "OUTSTANDING" as applied to the Bonds, means, as of any date, any Bond which has been authenticated and delivered, or is then being delivered, by the Trustee under the Indenture except:

(a) Any Bond surrendered and replaced upon exchange or transfer, or cancelled because of payment or redemption, at or prior to such date;

(b) Any Bond for which sufficient moneys have been deposited with the Trustee for the payment, redemption or purchase for cancellation of, whether upon or prior to the Final Maturity Date or the redemption date of any such Bond, or which is deemed to have been paid and discharged pursuant to the provisions of Section 8.02 of the Indenture; provided that if such Bond is to be redeemed prior to the Final Maturity Date, notice of such redemption shall have been given or arrangements satisfactory to the Trustee shall have been made therefor, or waiver of such notice satisfactory in form to the Trustee shall have been filed with the Trustee; and

(c) Any Bond in lieu of which another has been authenticated (or payment, when due, of which is made without replacement) under Section 2.04 of the Indenture; and

(d) For the purpose of determining whether the Holders of the requisite principal amount of Bonds have made or concurred in any notice, request, demand, direction, consent, approval, order, waiver, acceptance, appointment or other instrument or communication under or pursuant to this Indenture, Bonds owned by or for the account of the Company or any person owned, controlled by, under common control with or controlling the Company shall be disregarded and deemed to be not outstanding. The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise. Beneficial ownership of 5% or more of a class of securities having general voting power to elect a majority of the board of directors of a corporation shall be conclusive evidence of control of such corporation.

"PAYMENT IN FULL OF THE BONDS" means the first date when the Bonds are no longer deemed to be outstanding pursuant to Section 8.02 of the Indenture.

"PERSON" means natural persons, firms, associations, corporations and public bodies.

"PLEGGED RECEIPTS" means (a) the Note Payments, (b) subject to the provisions of Sections 3.04, 4.02 and 8.02 of the Indenture with respect to the Trustee holding moneys for the benefit of any Bondholder, all other moneys received by the Issuer, or the Trustee for the account of the Issuer, in respect of the Agreement or the Project, except certain expense, reimbursement and indemnity payments which are, pursuant to the provisions

of the Agreement, to be made by the Company directly to the Issuer or the Trustee, (c) any moneys on deposit in the Construction Fund or the Bond Fund and (d) the income and profit from the investment of any moneys while held in the Construction Fund or the Bond Fund.

"PROJECT" means the Project Site and the real, personal, or real and personal property, including undivided interests or other interests therein, identified in Exhibit A to the Agreement, or acquired, constructed or installed as a replacement or substitution therefor or an addition thereto, or as may result from a revision of the plans and specifications therefor in accordance with the provision of the Loan Agreement or Mortgage.

"PROJECT SITE" means the real estate and interests in real estate constituting the site of and part of the Project, as described in Exhibit B to the Agreement.

"STATE" means the State of Indiana.

"TAXABLE RATE OF INTEREST" means the Interest Rate for Advances

"TRUSTEE" means the Trustee at the time acting as such under the Indenture, originally Lincoln National Bank and Trust Company of Fort Wayne, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Any reference herein to the Issuer, the Issuing Authority, or to any officer or official thereof, shall include those succeeding to their respective functions, duties or responsibilities pursuant to or by operation of law or who are lawfully performing such functions. Any reference herein to any other person or entity shall include his or its respective successors and assigns. Any reference to a section or provision of the Code, the Act or to a section, provision or chapter of the Indiana Code shall include such section or provision or chapter as from time to time amended, modified, revised, supplemented, or superseded; provided, however, that no such change shall alter the obligation to pay the Bond Service Charges in the amounts and manner, at the times, and from the sources provided in this Bond Legislation and the Indenture, except as otherwise herein permitted, or shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer or the Company under the Agreement.

Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, any pronoun shall be deemed to cover all genders, and the terms "herein", "hereof", "hereby", "hereunder", and similar terms, mean this Bond Legislation and the Indenture and not solely the portion hereof in which any such word is used.

**Section 2. Determination of Issuing Authority.** Pursuant to the Act, the Issuing Authority hereby finds and determines that the Project is an "economic development facility" as defined in the Act and that all actions required under the Act to be taken by the Issuer prior to the Issuance of the Bonds have been duly authorized and completed.

**Section 3. Authorization of Bonds.** It is hereby determined to be necessary to, and the Issuer shall, issue, sell and deliver, as provided herein and pursuant to the authority of the Act, the Bonds in the aggregate principal amount of \$850,000 for the purpose of financing costs of acquiring, constructing, equipping and installing the Project, including costs incidental thereto and of the financing thereof, all in accordance with the provisions of the Loan Agreement and the Bond Purchase Agreement. The Bonds shall be designated "Economic Development Revenue Bonds Series 1985 (Hagerman Construction Corporation Project)."

**Section 4. Additional Bonds.** One or more series of Bonds in addition to the Original Bonds (herein referred to as "Additional Bonds") may, with the consent of the Holders of all Bonds then outstanding, be authenticated and delivered from time to time for one or more of the purposes of (i) refunding entirely one or more series of Bonds outstanding

hereunder, if such Bonds may otherwise be refunded, (ii) advance refunding entirely one or more series of Bonds outstanding hereunder, regardless of whether such Bonds may otherwise be refunded, if the same is then permitted by law by depositing with the Trustee, in trust for the sole benefit of such series of Bonds, cash or investments (but only to the extent that the full faith and credit of the United States of America are pledged to the timely payment thereof) in a principal amount which will, together with the income or increment to accrue thereon, be sufficient to pay and redeem (when redeemable) and discharge such series of Bonds at or before their respective maturity dates, and (iii) financing the cost or estimated cost of completing the Project or of acquiring, equipping, constructing and/or renovating additional improvements to the Project, and, in each case, obtaining additional funds to pay the costs to be incurred in connection with such Additional Bonds, to establish reserves with respect thereto and to pay interest during the estimated construction period of completing the additional improvements, if any. Each series of Additional Bonds issued hereunder shall be equal in aggregate principal amount to the principal amount of the Additional Note being then currently issued.

Prior to the delivery by the Issuer of any of such Additional Bonds, there shall be filed with the Trustee:

1. A supplement to this Indenture executed by the Issuer and the Trustee authorizing the issuance of such Additional Bonds, specifying the terms thereof, pledging and assigning the Additional Note being then currently issued as security therefor and providing for the disposition of the proceeds of the sale thereof.
2. The supplement or amendment to the Loan Agreement and the other instruments, documents, certificates and opinions referred to in Section 5.2 of the Loan Agreement.
3. The Additional Note being then concurrently issued, made payable to the order of the Issuer, duly executed by the Company and endorsed by the Issuer to the order of the Trustee.
4. A copy, duly certified by the Fiscal Officer of the Issuer, of the ordinance theretofore adopted and approved by the Issuer authorizing the execution and delivery of such supplemental indenture and such supplement to the Loan Agreement and the issuance of such Additional Bonds.
5. A Written Request of the Issuer to the Trustee to authenticate and deliver such Additional Bonds.
6. Written consent to the Issuance of Additional Bonds by the Holders of all of the Bonds then outstanding.

Any Additional Bonds issued in accordance with the terms of this Section shall be secured by this Indenture and shall be equally and ratably payable from all Notes issued under the Loan Agreement, but such Additional Bonds may bear such date or dates, such interest rate or rates, and with such maturities, redemption dates and premiums as may be agreed upon by the Issuer and the purchaser of such Additional Bonds.

**Section 5. Terms of Bonds.** The Bonds shall be issued in fully registered form and shall be exchangeable for fully registered Bonds in the manner and on the terms provided in the Indenture, shall be numbered from R-1 upwards, and shall be in substantially the form set forth therefor in the Indenture.

Bonds shall be in the denominations of \$5,000 and any multiple thereof, and shall be of a single maturity of the same series, provided that the Fiscal Officer with the approval of the Trustee may authorize issuance of one or more Bonds representing more than one maturity of the same series with appropriate changes in the form of such a Bond to cover more than one maturity, such approval and authorization to be evidenced as provided in the Indenture.

Each Bond shall be dated as of the date of its delivery or exchange, provided that if at the time of authentication of any Bond interest is in default thereon, such Bond shall be dated as of the date to which interest has been paid.

The Bonds being initially delivered to Lincoln National Bank and Trust Company of Fort Wayne, as the Original Purchaser, shall be one (1) Bond numbered R-1 in the original aggregate principal amount of \$850,000 with interest thereon at a rate of seventy-five percent (75%) of the rate of interest per annum published in the Money Rates section of the Wall Street Journal as the "Prime Rate" (the "Bond Interest Rate"). In the event that the Wall Street Journal shall discontinue the publication of a "Prime Rate" as contemplated herein, then the Bond Interest Rate shall be 75% of the rate of interest per annum publicly announced by Lincoln National Bank and Trust Company of Fort Wayne from time to time to be the Lincoln National Bank Base Rate, whether or not such Bank shall at times lend to borrowers at lower rates of interest.

The initial Bond Interest Rate shall be determined as of the date of delivery of the Bonds to the Original Purchaser thereof and shall be subject to adjustment quarterly, commencing on the 1st day of March, 1986, and on the 1st day of each succeeding June, September, December and March thereafter. Each date on which the Bond Interest Rate will be subject to adjustment is referred to herein as a "Change Date." Any Bond Interest Rate adjustment made in accordance with the provisions hereof shall become effective on the corresponding Change Date. In addition, in the event of an increase or decrease in the corporate tax rate, as specified by the Internal Revenue Code, after the date of delivery of the Bonds, the Bond Interest Rate shall be decreased (in the case of an increase in the corporate tax rate) or increased (in the case of a decrease in the corporate tax rate) effective as of the date of such change in the corporate tax rate. For purposes of this paragraph, in the event of an increase or decrease in the corporate tax rate, the Bond Interest Rate shall be adjusted to a rate of interest which is equal to the product of (i) the Bond Interest Rate prior to any adjustment times (ii) a fraction (expressed as a decimal) the numerator of which is the number 1 minus the corporate tax rate in effect following the change in such rate and the denominator of which is the number 1 minus the corporate tax rate in effect on the date of delivery of the Bonds. For purposes of this section, the "corporate tax rate" shall mean the highest marginal statutory rate of federal income tax imposed on corporations by the Internal Revenue Code. The Trustee shall notify the Company in writing of any Bond Interest Rate adjustment within 10 days following the Change Date.

Subject to the provision regarding commencement of the payment of monthly installments of principal and interest as hereinafter set forth, interest only shall be payable semi-annually commencing June 1, 1986, and on the first day of each December and June thereafter to and including December 1, 1987.

Notwithstanding the provision set forth above with respect to the payment of interest only, principal and interest shall be payable in monthly installments commencing on the earlier of January 1, 1988, and the first day of the month immediately following the month in which the Trustee receives a certification from the Company that the Project is fully leased, and on the first day of each month thereafter, with the final installment of principal and interest due on December 1, 1997. The amount of each monthly payment of principal and interest shall be an amount which would be sufficient to repay the unpaid principal balance of the Bonds in full on December 1, 1997, in substantially equal monthly payments with interest at the Bond Interest Rate in effect at the time of such monthly payment. In the event of an adjustment in the Bond Interest Rate on a Change Date, the Trustee shall determine the amount of the new monthly principal and interest payment and shall notify the Company of such payment amount within 10 days following the Change Date. Such new payment amount shall become effective on the first day of the month immediately following the Change Date.

All payment provisions herein set forth are subject to the provisions hereinafter set forth with respect to redemption prior to maturity as they may become applicable hereto. Upon full and complete payment as

provided herein, the Bonds shall be deemed fully paid and retired upon the making of the final payment provided for herein. Upon any transfer and surrender of said Bond numbered R-1 in accordance with the provisions of the Indenture, the Issuer shall execute and deliver a new Bond or Bonds in exchange therefor as provided in the Indenture.

The Bonds are subject to optional redemption, in whole or in part, prior to maturity by the Issuer at the direction of the Company on any interest payment date. Any prepayment amount may consist of the entire principal amount of the Bonds then outstanding, or any part thereof, except that if less than the entire amount, then such partial prepayment amount shall be a multiple of \$5,000, plus accrued interest to the redemption date. The redemption date of any such event shall be the date set by the Company for prepayment of the Note in accordance with the provisions of such Section 7.1(a) of the Loan Agreement.

The Bonds shall also be callable for redemption in whole or in part, upon occurrence of any of the circumstances which operate to require prepayment of the Note in whole or in part by the Company in accordance with the provisions of Sections 7.1(b) and 7.2 of the Loan Agreement. The redemption date in any of such events shall be the date set by the Company, (or in default thereof, by the Trustee) for the prepayment of the Note in whole or in part in accordance with the provisions of the Loan Agreement. The redemption price in any of such events shall be 100% of the principal balance of the Bonds to be redeemed on the date of redemption, plus accrued interest to the redemption date; provided that upon any call for redemption of the Bonds due to a Determination of Taxability, the redemption price shall be increased by an amount equal to the difference between (a)(i) the aggregate amount of interest which would have been payable on the Bonds if the interest rate on the Bonds, commencing on the date of the Event of Taxability, had been the Taxable Rate of Interest, plus (ii) any penalties and interest payable by the Holders to any taxing authority as a result of the loss of the tax-exempt status of interest on the Bonds, plus (iii) all attorneys' fees and other costs incurred by the Holders in contesting or resisting the loss of the tax-exempt status of interest on the Bonds, and (b) the aggregate amount of interest actually paid on the Bonds from the date of the Event of Taxability to the redemption date.

The obligation of the Issuer to make payments of interest on and/or principal of the Bonds which remains outstanding after any partial redemption shall not be affected by such partial redemption, such partial redemption operating instead to pay and redeem the principal of this Bond at dates earlier than the originally scheduled principal amortization dates, in inverse chronological order.

Notice from the Company to the Trustee that the Note is to be prepaid in whole or in part pursuant to the Agreement shall also constitute direction by the Issuer to the Trustee to shorten the payment schedule and move the final payment date forward, and no separate notice from the Issuer to the Trustee shall be required.

Notice of the call for any redemption of Bonds, identifying by designation, letters, numbers, or other distinguishing marks, the Bonds or portions of Bonds to be redeemed, the redemption price to be paid, the date fixed for redemption and the place or places where the amounts due upon such redemption are payable, shall be given by the Trustee on behalf of the Issuer by mailing a copy of the redemption notice by registered or certified mail at least thirty (30) days prior to the date fixed for redemption to the Holder or Holders thereof at the address shown on the registration books kept by the Trustee, provided, however, that failure to give such notice to any Bondholder by mailing, or any defects in such notice to any Bondholder, shall not affect the validity of the proceedings for the redemption of any of the other Bonds. The Holder or Holders of Bonds may waive any notice of redemption in writing, and in such event, no notice of any kind need be given with respect to the Bonds of such Holder or Holders to be so redeemed.

its address as shown on the Bond registration books to be kept by the Trustee, provided however that the final Bond Service Charges shall be payable at the corporate trust office of the Trustee upon presentation and surrender of the Bond at such office. All payments of Bond Service Charges shall be made in lawful money of the United States of America, without deduction for services as paying agent. In addition, upon acceleration of the Bond, the amounts payable upon such acceleration, together with interest thereon at the Interest Rate for Advances from the date of acceleration, shall continue as an obligation of the Issuer until paid. All payments from the Issuer referred to herein shall be payable solely from the Pledged Receipts.

All Bonds shall bear such designation as may be necessary to distinguish them from Bonds of any other series. Subject to provisions of the Bond Legislation, Bonds shall be issued as fully registered Bonds, and may be exchanged as provided in the Indenture. All Bonds shall be negotiable instruments, subject to applicable provisions for registration, and shall express on their faces the purpose for which they are issued and such other statements or legends as may be required by law.

The Bonds shall be executed on behalf of the Issuer by the Executive and by the Fiscal Officer, provided that any or all of such signatures may be facsimiles, and the seal of the Issuer shall be impressed thereon or a facsimile of such seal placed thereon. In case any officer whose signature or a facsimile thereof shall appear on any Bond, such officer shall be such officer before the issuance, authentication or delivery of the Bond, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until after that time.

**Section 6. Security for the Bonds.** As provided herein, the Bonds shall be payable solely from the Bond Fund and the Pledged Receipts and secured by a pledge of and lien on the Pledged Receipts and the Bond Fund, and shall be further secured by the Mortgage and the Indenture. Neither the Bond Legislation, the Bonds, the Indenture, the Loan Agreement, nor the Bond Purchase Agreement shall represent or constitute a debt or pledge of the faith and credit or the taxing power of the Issuer, and each Bond shall contain on the face thereof a statement to that effect.

**Section 7. Sale of Bonds.** The Bonds are hereby sold and awarded to the Original Purchaser, in accordance with its offer therefor in the Bond Purchase Agreement, at a purchase price of 100% of the principal amount of the Bonds to be purchased by it, aggregating \$850,000, plus accrued interest from the date of delivery of the Bonds. The Executive and the Fiscal Officer are authorized and directed to make on behalf of the Issuer the necessary arrangements with the Original Purchaser to establish the date, location, procedure and conditions for the delivery of the Bonds to such Original Purchaser, and to take all steps necessary to effect due execution, authentication and delivery to the Original Purchaser of the Bonds purchased by it under the terms of this Bond Legislation, the Indenture and the Bond Purchase Agreement. It is hereby determined that the price for and the terms of the Bonds, and the sale thereof, all as provided in this Bond Legislation and the Bond Purchase Agreement, are in the best interest of the Issuer and consistent with all legal requirements.

**Section 8. Allocation of Proceeds of Bond - Construction Fund.** There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund in the name of the Issuer to be designated "City of Fort Wayne - Hagerman Construction Corporation Construction Fund." All of the sums from the sale of the Bonds, except accrued interest on the Bonds, shall be deposited in the Construction Fund and disbursed by the Trustee in accordance with the Loan Agreement. The Trustee is authorized and directed to issue its check for each such disbursement. The moneys to the credit of the Construction Fund (including the proceeds from the sale of investments thereof) shall, pending applications thereof as above set forth, be subject to a lien and charge in favor of the Holder.

**Section 9. Source of Payment - Bond Fund.** As provided in the Agreement, Note Payments, sufficient in time and amount to pay the Bond Service Charges as they come due, are to be paid by the Company directly to the Trustee for the account of the Issuer and deposited in the Bond Fund.

There is hereby created by the Issuer and ordered maintained, as a separate deposit account (except when invested as hereinafter provided) in the custody of the Trustee, a trust fund to be designated "City of Fort Wayne - Hagerman Construction Corporation Bond Fund." Subject to the provisions of the Mortgage, the Bond Fund and the moneys therein are hereby pledged to and shall be used solely and exclusively for the payment of Bond Service Charges as they fall due at stated maturity or by amortization or redemption, all as provided herein and in the Indenture and the Agreement. Except as otherwise provided in this Bond Legislation or in the Mortgage, there shall be deposited into the Bond Fund, as and when received, all Pledged Receipts.

The Issuer covenants and agrees that, until Payment in Full of the Bonds, it will deposit or cause to be deposited in the Bond Fund Pledged Receipts sufficient in time and amount to pay the Bond Service Charges as the same become due and payable, and to this the Issuer covenants and agrees that it will diligently and promptly proceed in good faith and use its best efforts to enforce the Agreement and that, should there be an event of default under the Agreement, the Issuer shall fully cooperate with the Trustee and with the Bondholder to fully protect the rights and security of the Bondholder hereunder. Nothing herein shall be construed as requiring the Issuer to use or apply to the payment of Bond Service Charges any funds other than the Bond Fund and the Construction Fund or revenues from any source other than Pledged Receipts.

The issuer covenants and agrees, whenever the moneys and investments in the Bond Fund (or otherwise held by the Trustee for such purpose) are sufficient in amount to redeem the entire principal amount of the Bonds then outstanding and to pay interest to accrue thereon to the date or dates of such redemption, and any applicable premiums, to take and cause to be taken, upon notification by the Company or the Trustee, the necessary steps to redeem the Bonds on the next succeeding redemption date or dates for which the required notice of call for redemption may be given.

Section 10. Covenants of Issuer. In addition to other covenants of the issuer in the Bond Legislation and the Indenture, the issuer further covenants and agrees as follows:

(a) Payment of Bond Service Charges. The Issuer will, solely from the sources herein provided, pay or cause to be paid the Bond Service Charges on the Bonds on the dates, at the places and in the manner provided herein and in the Bonds.

(b) Performance of Covenants, Authority and Actions. The issuer will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions contained in the Bond Legislation, the Agreement, Bond Purchase Agreement, the Indenture and the Bonds, required therein to be observed and performed by the issuer. The issuer warrants and covenants that it is, and upon delivery of the Bonds will be, duly authorized by the Constitution and laws of the State, including particularly and without limitation the Act, to issue the Bonds, to execute the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, and to provide the security for payment of the Bond Service Charges in the manner and to the extent herein and in the Indenture set forth; that all actions on its part for the issuance of the Bonds, and the execution and delivery of the Indenture, the Bond Purchase Agreement, the Agreement and the assignment of the Note, have been or will be duly and effectively taken, and that the Bonds will be valid, binding and enforceable special obligations of the issuer according to the terms thereof. Each provision of the Bond Legislation, Indenture, the Bond Purchase Agreement, the Agreement and the

Bonds is binding upon each such officer of the issuer as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duties required by such provision.

(c) Pledged Receipts. Except as otherwise provided in the Bond Legislation, Indenture, Bond Purchase Agreement and Agreement, the issuer will not make any pledge or assignment of or create any lien or encumbrance upon the Construction Fund, the Bond Fund or the Pledged Receipts, other than the pledge and assignment thereof under the Bond Legislation, Indenture and Agreement.

(d) Recordings and Filings. The issuer will cooperate in causing all necessary financing statements, amendments thereto, continuation statements and instruments of similar character relating to the pledges and assignments made by the issuer to secure the Bonds, to be recorded or filed in such manner and in such places as and to the extent required by law in order to fully preserve and protect the security of the Holder and the rights of the Trustee under the Indenture, and in pursuance thereof the Company has covenanted to cause to be delivered to the Trustee certain opinions of counsel, all as set forth in Section 6.9 of the Agreement.

(e) Inspection of Project Books. All books and documents in the issuer's possession relating to the Project or to the Pledged Receipts shall at all reasonable times be open to inspection by such employees, accountants or other agents of the Trustee as the Trustee may from time to time designate.

(f) Maintenance of Agreement. The issuer shall do all things and take all actions on its part necessary to comply with the obligations, duties and responsibilities on the part of the issuer under the Agreement, and will take all actions within its authority to maintain the Agreement in effect in accordance with the terms thereof and to enforce and protect the rights of the issuer, Trustee and Bondholder thereunder, including actions at law and in equity, as may be appropriate.

(g) Rights Under Agreement. The Trustee, in its name or in the name of the issuer, may, for and on behalf of the Bondholder, enforce all rights of the issuer and all obligations of the Company under and pursuant to the Agreement, whether or not the issuer is in default of the pursuit or enforcement of such rights and obligations.

(h) Arbitration Provisions. The issuer will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are delivered to the Original Purchaser, so that they will not constitute arbitrage bonds under Section 103(c) of the Code and the applicable regulations prescribed under that section. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed, alone or in conjunction with any of the foregoing or with any other officer, employee, consultant or agent of the issuer, or any officer of the Company, and upon receipt of satisfactory indemnities from the Company, to give an appropriate certificate on behalf of the issuer, for inclusion in the transcript of proceedings for the Bonds, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to such Section 103(c) and regulations thereunder.

Section 11. Investment of Bond Fund and Construction Fund. Money. Moneys in the Bond Fund and the Construction Fund shall be invested and reinvested by the Trustee in any Eligible Investments, in accordance with and subject to any written orders, or oral orders confirmed promptly in writing, of an authorized representative of the Company with

respect thereto, provided that investments of moneys in the Bond Fund shall mature or be redeemable at the option of the Trustee at the times and in the amounts necessary to provide moneys hereunder to pay Bond Service Charges as they fall due at stated maturity or by amortization or redemption, and that each investment of moneys in the Construction Fund shall in any event mature or be redeemable at the option of the Trustee at such time as may be necessary to make timely payments from such Fund. Subject to any such orders with respect thereto, the Trustee may from time to time sell such investments and reinvest the proceeds therefrom in Eligible Investments maturing or redeemable as aforesaid. Any such investments may be purchased from the Trustee. The Trustee shall sell or redeem investments standing to the credit of the Bond Fund to produce sufficient moneys hereunder at the times required for the purposes of paying Bond Service Charges when due as aforesaid. An investment made from moneys credited to the Bond Fund or Construction Fund shall constitute part of that respective Fund and such respective Fund shall be credited with all proceeds of sale and income or loss from such investment. The Company has covenanted in the Agreement to restrict the use of the proceeds of the Bonds so that they will not constitute arbitrage bonds under the Code.

**Section 12. Authorization of Agreement, Bond Purchase Agreement, Indenture and Assignment.** In order to better secure the payment of the Bond Service Charges as the same shall become due and payable, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the issuer, the Agreement, the Bond Purchase Agreement, the Indenture and the assignment of the Note, in substantially the forms submitted to this Issuing Authority, which are hereby approved, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the issuer as may be permitted by the Act and approved by the Legal Officer and by the persons executing the same. The approval of such changes by the Legal Officer and such members, and that such are not substantially adverse to the issuer, shall be conclusively evidenced by the execution of the Agreement, the Bond Purchase Agreement, the Indenture and such assignment by such persons.

The Executive and Fiscal Officer are each hereby separately authorized to take any and all actions and to execute such financing statements, election statement, certificates and other instruments that may be necessary or appropriate in the opinion of the Legal Officer and bond counsel, in order to effect the issuance of the Bonds and the intent of this Bond Legislation. The Fiscal Officer, or other appropriate officer of the issuer, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the issuer as is necessary to determine the regularity and validity of the issuance of the Bonds.

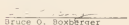
This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to this Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

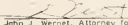
**Section 13. Effective Date.** This Bond Legislation shall take effect and be in force immediately upon its adoption.

  
Councilman

Approved as to form and  
legality:

Approved as to form and legality

  
Bruce O. Boxberger  
City Attorney

  
John J. Wernet, Attorney for the  
Fort Wayne Economic Development  
Commission

Dated this 14 day of December, 1985

Read the third time in full and on motion by Eisbart,  
seconded by Stier, and duly adopted, placed on its passage.  
**PASSED** by the following vote:

**AYES:** Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

**NAYS:** None

**ABSTAINED:** None

**ABSENT:** None

**DATE:** 12-17-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana as Special Ordinance No. S-249-85 on the 17th  
day of December, 1985.

**ATTEST:** (SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 18th day of December, 1985, at the hour of 10:00  
o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December,  
1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor



## RESOLUTION NO. R-154-85

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$5,000,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA FOR THE PURPOSE OF INDUCING THE APPLICANT NORTHILL DEVELOPMENT CORPORATION OR ITS ASSIGNEE TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Seq. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Northill Development Corporation or its Assignee (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip two economic development facilities and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facilities to be as follows:

Project A - acquisition of existing building, renovation of said building, acquisition and renovation of parking lot, together with costs of issuance, said building commonly referred to as the downtown Paterson Fletcher Building located at the southeast corner of Wayne and Harrison Streets, Fort Wayne, Indiana ("Project A").

Project B - acquisition of real estate and construction of three one-story office buildings in "Stone Pointe Office Park" including construction of parking facilities and site improvements and costs of issuance ("Project B"); and

WHEREAS, the diversification of industry and an increase in a significant number of jobs to be achieved by acquisition and construction and equipping of the Projects will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Projects would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facilities will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the projects, found specifically that the projects will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the projects will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.



SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$5,000,000.00 of the Issuer under the act for the acquisition, construction and equipping of the Projects, subject to the following, and the sale or leasing of such a financing to the Applicant for such purposes will service the public purpose referred to above, in accordance with the Act. The inducement contained herein is limited as follows:

(i) Project A is induced in an amount not to exceed \$2,500,000.00 and Project B is induced for an amount not to exceed \$2,500,000.00;

(ii) At the time the Applicant applies for final approval of financing documents, if Project A is not included then the inducement for Project B shall be limited to a three-year construction period financing;

(iii) If both Projects A and B brought for final approval at the same time, then long term permanent financing will be approved for both Projects A and B with the provision that if Project A is not completed then it shall be a condition of bond documents that Project B will be for a term of three years only and that the bonds shall be called at the end of three

years if Project A is not completed.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Projects, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Projects incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Projects will be permitted to be included as part of the bond issue to finance said Projects, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-154-85 on the 17th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## RESOLUTION NO. R-155-85

A RESOLUTION FINDING, DETERMINING  
AND RATIFYING AN INDUCEMENT RESOLUTION OF THE  
FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
AUTHORIZING THE ISSUANCE AND SALE OF  
NOT TO EXCEED \$2,600,000.00 ECONOMIC REVENUE BONDS  
OF THE CITY OF FORT WAYNE, INDIANA  
FOR THE PURPOSE OF INDUCING THE APPLICANT  
CROWN GROUP, INC. OR ITS  
ASSIGNEE TO PROCEED WITH  
THE ACQUISITION CONSTRUCTION AND  
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Crown Group, Inc., or its Assignee (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip and economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be one of two projects as follows:

Project 1 is the acquisition of real estate and improvements located at 9910 Airport Drive, Allen County, Indiana, together with acquisition of an E-Coat system, and other equipment, tooling and machinery, and including costs of issuance ("Project 1");

Project 2 is acquisition of the E-coat system together with acquisition of additional machinery, tooling and equipment, including costs of issuance, said project to be located at 2110 Meyer Road, Allen County, Indiana ("Project2"); and

WHEREAS, the diversification of industry and an increase in 151 full time jobs within three years to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,600,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project, subject to the following provision, and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act. This Resolution shall constitute an inducement resolution for Project 1 in an amount not to exceed \$2,600,000.00 or an inducement resolution of \$1,800,000.00 for Project 2. The inducement is for one project or the other project and the Applicant must designate at the time it applies for the final approval which project is going forward, and at that time the Inducement Resolution for the other project shall lapse.

SECTION 4. In Order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as

may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-155-85 on the 17th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## RESOLUTION NO. R- 156-85

A RESOLUTION FINDING, DETERMINING  
AND RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION AUTHORIZING THE ISSUANCE AND SALE  
OF \$3,100,000.00 ECONOMIC REVENUE BONDS OF THE  
CITY OF FORT WAYNE, INDIANA FOR THE  
PURPOSE OF INDUCING THE APPLICANT  
MARK P. SHAMBAUGH OR HIS ASSIGNEE  
TO PROCEED WITH THE ACQUISITION  
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec., 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Mark P. Shambaugh or his Assignee (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of real estate and construction of a new warehouse/fabrication/office facility for lease to Shambaugh & Son, Inc. to be located at the northwest corner of Cook Road and vacated Conrail railroad immediately north of Smith Field, Fort Wayne, Indiana, including costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase in 60 full time and 200 part time jobs within three years to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$3,100,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-156-85 on the 17th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-25

RESOLUTION NO. R-157-85

A RESOLUTION FINDING, DETERMINING  
AND RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
AUTHORIZING THE ISSUANCE AND SALE OF  
\$850,000.00 ECONOMIC REVENUE BONDS OF THE  
CITY OF FORT WAYNE, INDIANA  
FOR THE PURPOSE OF INDUCING THE APPLICANT HAGERMAN  
CONSTRUCTION CORPORATION OR ITS  
ASSIGNEE TO PROCEED WITH THE  
ACQUISITION CONSTRUCTION AND  
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Hagerman Construction Corporation or its Assignee (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be acquisition of real estate and construction of a 34,800 sq. ft. warehousing/manufacturing project including office space located at 3925 Dalman Road, Fort Wayne, Indiana, and including costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase in a significant number of jobs to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$850,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Bradbury seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-157-85 on the 17th day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-26

# RESOLUTION NO. R-158-85

A RESOLUTION FINDING, DETERMINING  
AND RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF  
\$3,000,000.00 ECONOMIC REVENUE BONDS OF THE  
CITY OF FORT WAYNE, INDIANA  
FOR THE PURPOSE OF INDUCING THE APPLICANT  
JOHN V. LOUDERMILK & GENEVA P. LOUDERMILK TO  
PROCEED WITH THE ACQUISITION CONSTRUCTION AND  
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, John V. Loudermilk & Geneva P. Loudermilk (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be purchase of 80 acres of land, construction of two buildings, roads and sewer, located at Cook Road, Allen County, Indiana, across from Smith Field Airport, one mile from Interstate 169, and including costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase in 100 full time and 100 part time jobs within three years to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:



SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$3,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-158-85 on the 17th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor



## RESOLUTION NO. R-159-85

A RESOLUTION FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$1,750,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA FOR THE PURPOSE OF INDUCING THE APPLICANT TRISTATE WAREHOUSING & J.I.T. SERVICES, INC., WHOLLY OWNED SUBSIDIARY OF JONANDO CORPORATION TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Tristate Warehousing & J.I.T. Services, Inc., wholly owned Subsidiary of Jonando Corporation (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be purchase of building and land plus improvements to be located at 2500 West State Blvd., Fort Wayne, Indiana, plus costs of issuance (the "Project"); and

WHEREAS, the diversification of industry and an increase in 20 full time jobs within three years to be achieved by acquisition and construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$1,750,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-159-85 on the 17th day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-28

#### RESOLUTION NO. R-160-85

A RESOLUTION FINDING, DETERMINING  
AND RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
AUTHORIZING THE ISSUANCE AND SALE OF  
\$60,000,000.00 ECONOMIC REVENUE BONDS OF THE  
CITY OF FORT WAYNE, INDIANA  
FOR THE PURPOSE OF INDUCING THE APPLICANT  
BURLINGTON NORTHERN AIR FREIGHT INC.,  
TO PROCEED WITH THE ACQUISITION  
CONSTRUCTION AND EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Burlington Northern Air Freight Inc., (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire and equip an economic development facility and sell and/or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be construction of fully mechanized air cargo facility to be located at Fort Wayne Baer Field Municipal Airport for future expansion, including fuel farm and related items and costs of issuance (the "project"); and

WHEREAS, the diversification of industry and an increase in 150 full time and 600 part time jobs within three years to be achieved by acquisition and construction and equipping of the Project will be public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines,

ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the project, found specifically that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$60,000,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of such a financing to the Applicant for such purposes will serve the public purpose referred to above, in accordance with the Act.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project incurred after the passage of this Inducement Resolution, including disbursement or repayment of the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-17-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-160-85 on the 17th day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City ClerkMark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 18th day of December, 1985, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of December, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-31

## SPECIAL ORDINANCE NO. S-250-85

AN ORDINANCE approving temporary tax anticipation borrowing, authorizing the City of Fort Wayne to make temporary loans for the use of the General Fund, the Park District Fund, the Police Pension Fund, the Firemen's Pension Fund, and the Bond Repayment Fund during the period January 1, 1986, to December 31, 1986, in anticipation of current taxes levied in the year 1985 and collectible in the year 1986, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledging and appropriating the taxes to be received in said funds to the payment of said tax anticipation time warrants including the interest thereon; and fixing a time when this ordinance shall take effect

WHEREAS, the Controller has represented and the Common Council now finds that there will be insufficient funds in the General Fund to meet the current expenses of the City payable from said Fund prior to the 1986 distribution of taxes levied for said Fund; and

WHEREAS, the 1986 distribution of taxes to be collected for said General Fund will amount to more than Eight Million One Hundred Thousand Dollars (\$8,100,000) and the interest cost of making a temporary loan for said General Fund; and

WHEREAS, the Board of Park Commissioners for the City of Fort Wayne has represented and the Common Council now finds that there will be insufficient funds in the Park General Fund to meet the current expenses of the Park District, payable from said Fund prior to 1986 distribution of taxes levied for said Fund; and

WHEREAS, the 1986 distribution of taxes to be collected for said Park General Fund will amount to more than One Million Dollars (\$1,000,000) and the interest cost of making a temporary loan for said Park District Fund; and

WHEREAS, the Board of Trustees of the Fort Wayne Police Pension Fund has represented and the Common Council now finds that there will be insufficient funds in the Police Pension Fund will amount to more than Six Hundred Thousand Dollars (\$600,000) and the interest cost of making a temporary loan for said Police Pension Fund; and

WHEREAS, the Board of Trustees of the Fort Wayne Firemen's Pension Fund has represented and the Common Council now finds that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from said Fund prior to the 1986 distribution of taxes levied for said Fund; and

WHEREAS, the 1986 distribution of taxes collected for said Firemen's Pension Fund will amount to more than Seven Hundred Thousand Dollars (\$700,000) and the interest cost of making a temporary loan for said Firemen's Pension Fund; and

WHEREAS, the Controller has represented and the Common Council now finds that there will be insufficient funds in the Bond Repayment Fund to meet the payments required for principal of and interest on the City's outstanding bonds payable from said Fund prior to the 1986 distribution of taxes levied for said Fund; and

WHEREAS, the 1986 distribution of taxes collected for said Bond Repayment Fund will amount to more than One Million Four Hundred Thousand Dollars (\$1,400,000) and the interest cost of making a temporary loan for said Bond Repayment Fund; and

WHEREAS, a necessity exists for the making of temporary loans for said Funds in anticipation of current revenues for said Funds and Accounts actually levied and in course of collection for the year 1986; now, therefore:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne is authorized to borrow on a temporary loan for the use and benefit of the General Fund of said City in the amount of Eight Million One Hundred Thousand Dollars (\$8,100,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1986, which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate or rates per annum not to exceed a maximum rate of 10 percent, the exact rate or rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Said Warrants shall be dated as of the date or dates of delivery and the interest accruing on the warrants to the date of maturity shall be added to and included in the fact value of the warrants. Said warrants shall mature and be payable on December 31, 1986. Said warrants, including interest shall be payable from the General Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said General Fund from 1986 distribution of taxes of said General Fund, viz: Eight Million One Hundred Thousand Dollars (\$8,100,000) to the General Fund

1986 Budget, payment of Temporary Loans for the payment of the principal of the warrants evidencing such temporary loan, and said General Fund, 1986 Budget Fund No. 01 - General Fund, 06 - City Controller, Account No. 361 - Interest on Time Warrants and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity at the interest rate or rates bid by successful bidder or bidders for said warrants.

SECTION 2. The City of Fort Wayne is authorized to borrow on a temporary loan for the use and benefit of the Park General Fund of said City in the amount of One Million Dollars (\$1,000,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1986, which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate or rates per annum not to exceed a maximum rate of 10 percent, the exact rate or rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Said warrants shall be dated as of the date or dates of delivery of said warrants and the interest accruing on the warrants to the date of maturity shall be added to and included in the fact value of the warrants. Said warrants shall mature and be payable on December 31, 1986. Said warrants, including interest shall be payable from the Park General Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Park General Fund from the 1986 distribution of taxes for said Park General Fund, viz: One Million Dollars (\$1,000,000) to the Park General Fund 1986 Budget, Payment of Temporary Loans for the payment of the principal of the warrants evidencing such temporary loans and said Park General Fund, 1986 Budget Fund No. 06, Account No. 361-Interest on Time Warrants and the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity at the interest rate or rates bid by successful bidder or bidders for said warrants.

SECTION 3. The City of Fort Wayne is authorized to borrow on a temporary loan for the use and benefit of the Police Pension Fund of said City in the amount of Six Hundred Thousand Dollars (\$600,000) in anticipation of current tax revenues actually levied and in course of collection for said fund for the year 1986 which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate not to exceed ten percent (10%) per annum, the exact rate of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Said warrants shall be dated as of the date of delivery of said warrants and the interest accruing on the warrants to the date of maturity shall be added to and included in the fact value of the warrants. Said warrants shall mature and be payable on December 31, 1986. Said warrants including interest shall be payable from the Police Pension Fund, and there is hereby appropriated and pledged to the payment of said warrants, including interest, a sufficient amount of current

revenues to be received in said Police Pension Fund, viz: Six Hundred Thousand Dollars (\$600,000) to the Police Pension Fund 1986 Budget, Fund 03, Account No. 361-Interest on Time Warrants, the amount of interest on said principal computed from the date of said warrants to the date of maturity or prepayment, at the interest rate bid by the successful bidder or bidders for said warrants.

SECTION 4. The city of Fort Wayne is authorized to borrow on a temporary loan for the use and benefit of the Fire Pension Fund of the City in the amount of Seven Hundred Thousand Dollars (\$700,000) in anticipation of current tax revenues actually levied and in course of collection for said fund for the year 1986 which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate not to exceed ten percent (10%) per annum, the exact rate of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Said warrants shall be dated as of the date of delivery of said warrants and the interest accruing on the warrants to the date of maturity shall be added to and included in the fact value of the warrants. Said warrants shall mature and be payable on December 31, 1986. Said warrants including interest shall be payable from the Fire Pension Fund, and there is hereby appropriated and pledged to the payment of said warrants, including interest, a sufficient amount of current revenues to be received in said Fire Pension Fund, viz: Seven Hundred Thousand Dollars (\$700,000) to the Fire Pension Fund 1986 Budget, Fund 03 Payment of Temporary Loans for the payment of the principal of the warrants, evidencing such temporary loan and to the Fire Pension Fund 1986 Budget, Fund 02, Account No. 361-Interest on Time Warrants, the amount of interest on said principal computed from the date of said warrants to the date of maturity or prepayment, at the interest rate bid by the successful bidder or bidders of said warrants.

SECTION 5. The city of Fort Wayne is authorized to borrow on a temporary loan for the use and benefit of the Bond Repayment Fund of said City in the amount of One Million Four Hundred Thousand Dollars (\$1,400,000) in anticipation of current tax revenues actually levied and in course of collection for said fund for the year 1986 which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate not to exceed ten percent (10%) per annum, the exact rate of interest to be determined by competitive bidding at advertised public sale as hereinafter provided. Said warrants shall be dated as of the date of delivery of said warrants and the interest accruing on the warrants to the date of maturity shall be added to and included in the fact value of the warrants. Said warrants shall mature and be payable on December 31, 1986. Said warrants including interest shall be payable from the Bond Repayment Fund, and there is hereby appropriated and pledged to the payment of said warrants, including interest, a sufficient amount of current revenues to be received in said Bond Repayment Fund, viz: One Million Four Hundred Thousand Dollars (\$1,400,000) to the Bond

Repayment Fund 1986 Budget, Fund 03 Payment of Temporary Loans for the payment of the principal of the warrants, evidencing such temporary loan and to the Bond Repayment Fund 1986 Budget, Fund 02, Account No. 361-Interest on Time Warrants, the amount of interest on said principal computed from the date of said warrants to the date of maturity or prepayment, at the interest rate bid by the successful bidder or bidders for said warrants.



SECTION 6. Said tax anticipation time warrants shall be executed in the name of the City of Fort Wayne by the Mayor of said City, countersigned by the City Controller of said City, the Corporate Seal of the City to be affixed thereto and attested by the City Clerk. Said warrants shall be payable at the office of the City Controller of Fort Wayne in the City of Fort Wayne.

SECTION 7. Said tax anticipation time warrants shall be issued in substantially the following form (all blanks, including the appropriate fund, amounts, dates, statutory citations, and other dates, to be properly completed prior to the execution and delivery thereof):

Principal & Interest\_\_\_\_\_

CITY OF FORT WAYNE

TAX ANTICIPATION TIME WARRANT

(\_\_\_\_\_FUND)

On the 31st day of December 1986, the City of Fort Wayne, in Allen County, Indiana, promises to pay to the bearer, at the office of the City Controller, in the City of Fort Wayne, the sum of \_\_\_\_\_ including interest on the principal amount of this warrant from the date hereof to maturity, at the rate of \_\_\_\_\_% per annum, payable out of and from taxes levied in the year 1985, and payable in the 1986, which said taxes are not in course of collection for the \_\_\_\_\_ Fund of the City of Fort Wayne, with which to pay general current expenses of \_\_\_\_\_. This warrant will bear interest at the rate of \_\_\_\_\_% per annum on any amounts not paid at maturity.

This Tax Anticipation Time Warrant is one of series of warrants aggregating a sum of \_\_\_\_\_, exclusive of interest added thereto to maturity, evidencing a temporary loan in anticipation of the taxes levied and course of collection for the \_\_\_\_\_ Fund of said City.

Said temporary loan was authorized by an ordinance adopted by the Common Council of the City of Fort Wayne, at a meeting thereof duly and legally convened and held on the \_\_\_\_\_ day of \_\_\_\_\_, 1985 for the purpose of providing funds for the \_\_\_\_\_ Fund of said City of Fort Wayne in compliance with an act of the General Assembly of the

State of Indiana, entitled "An Act Concerning Municipal Corporations", approved March 6, 1905, and all acts amendatory thereof and supplemental thereof.

The consideration of said warrant is a loan made to the city of Fort Wayne in anticipation of taxes levied for the \_\_\_\_\_ Fund of said City for the year 1985, payable in the year 1986, and said taxes so levied are hereby specifically appropriated and pledged to the payment of said Tax Anticipation Time Warrants.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorized, preparation, complete execution, and delivery of said warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City has caused this warrant to be signed in its corporate name by its Mayor and attested by the Clerk of the City of Fort Wayne, the corporate seal of said City hereunto affixed, and countersigned by the Controller of the City of Fort Wayne.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_

CITY OF FORT WAYNE

BY: \_\_\_\_\_

MAYOR OF THE CITY OF FORT WAYNE

ATTEST:

COUNTERSIGNED: \_\_\_\_\_

SECTION 8. The City Controller is hereby authorized and directed to have tax anticipation time warrants prepared, and the Mayor, City Controller, and City Clerk are hereby authorized and directed to execute said tax anticipation time warrants in the manner and substantially the form hereinbefore provided. The City Controller shall sell said warrants at public sale. The City Controller is authorized to sell said warrants in multiples of One Hundred Thousand Dollars (\$100,000 or more. Prior to the sale of said warrants the City Controller shall cause to be published a notice of sale once each week for two consecutive weeks in the Fort Wayne News-Sentinel and in the Fort Wayne Journal-Gazette, the first of each of such publications to be not less than fifteen days prior to the date fixed for the sale of said warrants. The notice of sale shall be substantially the following form:

NOTICE BE BIDDERS FOR TAX ANTICIPATION TIME WARRANTS  
OF THE CITY OF FORT WAYNE, INDIANA

Notice is hereby given that pursuant to Special Ordinance No. \_\_\_\_\_ passed by the Common Council of the

City of Fort Wayne on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ of the City Controller shall receive sealed bids at her office, in the City County Building at \_\_\_\_\_ A.M. on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ for the following issues of tax anticipation time warrants of the City of Fort Wayne.

\$8,100,000	General Fund
1,000,000	Park General Fund
600,000	Police Pension Fund
700,000	Firemen's Pension Fund
1,400,000	Bond Repayment Fund

The temporary loans for the respective funds are payable from current tax revenues actually levied in 1985 and in course of collection for the respective funds for the year 1986, and such loans have been authorized by the above described ordinance of the Common Council of the City of Fort Wayne, which ordinance pledges and appropriates such tax revenues to the repayment of said temporary loans.

Said loans will be evidenced by the time warrants for each fund in such principal denomination or denominations as requested by the successful bidder or bidders, dated as of the date or dates of delivery thereof, bearing interest on each warrant at an annual rate not exceeding ten percent (10%) per annum, the interest on each warrant to be added to the principal amount and included in the fact amount of each warrant and all warrants to mature and be payable on December 31, 1986. All warrants will be payable to bearer at the office of the City Controller in the City of Fort Wayne, Indiana.

A bid must be for all warrants in each issue and shall state the single rate of interest which the warrants shall bear, in multiples of 1/8 of 1%. No bid for less than par will be considered. The warrants shall be awarded to the bidder submitting the lowest interest rate. The right is reserved to reject any and all bids, and if an acceptable bid is not received on the sale date, the sale may be continued from day to day thereafter for not exceeding 30 days without readvertisement of the sale.

The City shall give the purchaser at least five working days advance notice of delivery date. The successful bidder shall accept delivery of the warrants and make payment therefor at such bank in the City of Fort Wayne as shall designate.

The warrants will be typewritten or printed form, duly executed by the proper officers of the City, and a transcript of the proceedings including a no litigation certificate will be delivered to the successful bidder, together with the unqualified approving opinion of Ice Miller Dondio & Ryan covering the legality of such warrants.

CITY CONTROLLER, CITY OF FORT WAYNE

SECTION 9. The proper officers of the City are authorized to deliver said time warrants to the purchaser or purchasers thereof upon receipt from such purchaser or purchasers of the agreed purchase price. In the discretion of the City Controller, the warrants of each issue may be delivered as a single parcel at one time or in parcels from time to time, pursuant to any agreement or understanding with respect to said delivery by and between the Controller and the purchaser or purchasers of the warrants.



SECTION 10. This Ordinance shall be in full force and effect from and after its passage, approval by the mayor.

SECTION 11. That all resolutions and ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 12. The City of Fort Wayne covenants that none of the proceeds of the warrants or any of the taxes collected to pay principal and interest on said warrants, shall be invested in any obligations which will produce a yield in excess of that permitted by Internal Revenue Service rules and regulations.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-250-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-17

SPECIAL ORDINANCE NO. S-251-85

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE  
TO ISSUE ITS "LIMITED OBLIGATION ECONOMIC  
DEVELOPMENT REVENUE BOND (ALL-PHASE REAL  
ESTATE COMPANY PROJECT)" AND  
APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for All-Phase Real Estate Company Project regarding the financing of proposed economic development facilities for the Project and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on December 19, 1985, and also adopted a resolution on December 19, 1985, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of All-Phase Real Estate Company complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Indenture, Loan Agreement, Mortgage, Assignment of Leases and Security Agreement, Lease, and form of Ordinance; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to All-Phase Real Estate Company for the acquisition and construction of such facilities and the equipping thereof, and the payment of the revenue bonds by the payments of All-Phase Real Estate Company under the Loan Agreement and through the Lease with All-Phase Electric Supply Company complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and

its citizens.

SECTION 2. The economic development facilities will consist of acquisition of real estate and construction of an approximate 18,000 sq. ft. building for use as a warehouse and sales distribution facility to be located at 710 Ley Road, Fort Wayne, Indiana (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the finds set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Indenture, Loan Agreement, Mortgage, Assignment of Leases and Security Agreement, Bond Purchase Contract, Guaranty, Assignment of Mortgage, Assignment of Leases and Security Agreement, Lease, and form of Ordinance, approved by the Fort Wayne Economic Development Commission are hereby approved and each shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of each of said documents are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne shall issue its Limited Obligation Economic Development Revenue Bond (All-Phase Real Estate Company Project) in the total principal amount of Four Hundred Twenty-Five Thousand Dollars (\$425,000.00) and maturing January 1, 1996. Said bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Loan Agreement, Indenture and Mortgage, Assignment of Leases and Security Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by All-Phase Real Estate Company or as otherwise provided for under the Loan Agreement, Indenture, and Mortgage, Assignment of Leases and Security Agreement. The bonds shall be issued in fully registered form in the initial denomination of \$425,000.00 and subject to amortization as set forth in the Indenture. The bonds shall be redeemable as provided in Section 203 of the Indenture. Payments of principal and interest are payable in lawful money of the United States of America. Payments of principal and interest are payable at the principal office of the Depository. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bond to the purchaser thereof at a price of not less than 100% of the principal amount thereof. The bond shall bear interest at a rate of interest of 75% of the Prime Rate established by a National Bank of Detroit as such rate from time to time exists, plus an additional four percentage points per annum for the first ninety-one days following the Issue Date, or at such other rate as provided for in the Indenture.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City of which are approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction including the bond authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidence by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bond to the purchaser thereof, and payment for the bond will be made to the Depository named in the Indenture and after such payment the bond will be delivered by the Depository to the bond purchaser. The Mayor and Clerk shall execute and the Clerk shall deliver the bond to the Depository within ninety days of the adoption of this ordinance. The bond shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Indenture securing the bond shall constitute a contract binding between the City of Fort Wayne and the holder of the Limited Obligation Economic Development Revenue Bond (All-Phase Real Estate Company Project) and after the issuance of said bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder or holders so long as said bond or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Talarico, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-251-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## SPECIAL ORDINANCE NO. S-252-85

AN ORDINANCE fixing and establishing compensation for patrol officers of the City of Fort Wayne, Indiana, for the year 1986

WHEREAS, the City and the Patrolmen's Benevolent Association have, pursuant to the City's collective bargaining ordinance, entered into negotiations for compensation to paid to patrol officers for the year 1986;

WHEREAS, the Patrolmen's Benevolent Association declared an impasse in negotiations and requested that the matter be submitted to arbitration in lieu of mediation and an arbitrator was selected by mutual agreement of the parties;

WHEREAS, at the arbitration hearing, the Patrolmen's Benevolent Association requested that the arbitrator's decision be binding between the City and the Patrolmen's Benevolent Association and an arbitrator's decision has now been rendered;

WHEREAS, Indiana law at I.C. 36-83-3-3(d) allows the Board of Public Works and Safety to establish wages for patrol officers, subject to approval by Council; and

WHEREAS, the Board of Public Works and Safety has passed a resolution adopting the arbitrator's decision and now this matter is submitted to Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following compensation for patrol officers of the City of Fort Wayne, Indiana, is hereby established and fixed, effective for the year 1986: Base pay of Twenty Thousand Nine Hundred Forty-Eight and 35/100 Dollars (\$20,948.35); and a longevity service bonus commencing in the fifth (5th) year of Thirty Dollars (\$30.00) per year of service, starting with Thirty Dollars (\$30.00) in year five (5). Thus, and by way of example, an officer with four (4) full years of service would be paid his/her base pay of Twenty Thousand Nine Hundred Forty-Eight and 35/100 (\$20,948.35) plus a longevity service bonus of Thirty Dollars (\$30.00); an officer who has completed five (5) full years would be paid a base pay of Twenty Thousand Nine Hundred Forty-Eight and 35/100 Dollars (\$20,948.35) plus a longevity service bonus of Sixty Dollars (\$60.00) and so on and so forth.

SECTION 2. All other previously adopted terms and conditions affecting compensation including, but not limited to, fringe benefits; clothing allowances; and pre-base pay calculations are hereby reaffirmed and ratified.

SECTION 3. This Ordinance shall be in full force and effect upon passage and approval by the Mayor and herein shall commence January 1, 1986.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-252-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-03 (AS AMENDED)

SPECIAL ORDINANCE NO. S-253-85

AN ORDINANCE approving Civil City Purchase Orders #A-45768, #A-45769, #A-45770 and #A-45771, with Jackson Wrecking, Miller & Associates, Martin Enterprises and Richard Ness Excavating, respectively, for the Community Development and Planning Division through the Safehousing Enforcement Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders #A-45768, #A-45769, #A-45770 and #A-45771, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing and Jackson Wrecking, Miller & Associates, Martin Community Development and Planning Division through the Safehousing Enforcement Department, respectfully for:

the demolition of various structures throughout the City of Fort Wayne for the Community Development and Planning Department per the specifications in Reference #1232;

involving a total cost of Eleven Thousand Three Hundred Forty-Six and 13/100 Dollars (\$11,346.13), (Jackson Wrecking - \$7,637.00; Miller & Associates - \$1,474.13; Martin Enterprises - \$1,985.00; Richard Ness Excavating - \$250.00), all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-253-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

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Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-04

SPECIAL ORDINANCE NO. S-254-85

AN ORDINANCE approving Civil City Purchase Orders #A-45761 and #A-45762 with Miller & Associates and Richard Ness Excavating, for the Community Development and Planning Division through the Safehousing Enforcement Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders #A-45761 and #A-45762, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with Miller & Associates and Richard Ness Excavating, respectively, for the Community Development and Planning Division through the Safehousing Enforcement Department, respectfully for:

the demolition of various structures throughout the City of Fort Wayne, for the Community Development and Planning Division through the Safehousing Enforcement Department per the specifications in Reference #1234;

involving a total cost of Sixteen Thousand Eighty-Six and No/100 Dollars (\$16,086.00), (Miller & Associates - \$8,436.00); Richard Ness Excavating - \$7,650.00), all as more particularly set forth in said Purchase Orders and specifications in Reference #1234, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-254-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## SPECIAL ORDINANCE NO. S-255-85

AN ORDINANCE approving Civil City Purchase Order #A-45756 with Blue Valley Industries, Inc., for the Department of Parks and Recreation of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-45756, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchasing with Blue Valley Industries, Inc., for the Department of Parks and Recreation, respectfully for:

the purchase of 120 picnic tables for the Park Department per the specifications in Reference #1229;

involving a total cost of Twelve Thousand Six Hundred Ninety-Six and NO/100 Dollars (\$12,696.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-255-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-32

## SPECIAL ORDINANCE NO. S-256-85

AN ORDINANCE RATIFYING AND APPROVING THE BORROWING BY THE BOARD OF PUBLIC WORKS AND SAFETY ON BEHALF OF THE CITY'S WATER POLLUTION CONTROL UTILITY IN AN AMOUNT OF \$2,000,000 AND THE BORROWING BY THE CITY'S WATER UTILITY IN AN AMOUNT OF \$3,500,000



WHEREAS, the City of Fort Wayne, in conjunction with Allen County in the State of Indiana, is involved in the General Motors Project located in Allen County, Indiana;

WHEREAS, the City is a party to an Interlocal Cooperation Agreement with the County, which agreement has been approved by this Council;

WHEREAS, pursuant to the Interlocal Cooperation Agreement, the City has agreed to provide and to perform certain work with respect to the project, partial payment for which shall come from the County in the form of grants extended by the State to the County and partial payment for which is due from the City;

WHEREAS, cash flow needs of the project require the payment of bills prior to the receipt of all grants monies and revenue bonds to be issued by the City's Water Pollution Control and Water Utilities;

WHEREAS, the City Water Utility borrowed \$2,000,000 from the Lincoln National Bank and Trust Company of Fort Wayne, on a temporary basis, which sum is due December 26, 1985; and

WHEREAS, the City's Water Pollution Control Utility is desirous of borrowing \$2,000,000 on a temporary basis and in anticipation of issuing Sewage Works Revenue Bonds in July, 1986; and

WHEREAS, the City's Water Utility is desirous of borrowing \$3,500,000 on a temporary basis to repay the loan to Lincoln National Bank and to pay other bills due with respect to the project, all in anticipation of issuing Water Utility Revenue Bonds in July of 1986;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne Water Pollution Control Utility is hereby empowered and authorized to borrow the sum of not to exceed \$2,000,000 for the purpose of paying expenses and bills or reimbursements relating to the General Motors Project, all in anticipation of the issuance of Water Pollution Control Utility Revenue Bonds, which borrowing shall not exceed a period of 210 days.

SECTION 2. The City of Fort Wayne's Water Utility is hereby empowered and authorized to borrow the sum of not to exceed \$3,500,000 on a temporary basis for the purpose of paying bills expenses and reimbursing Water Utility accounts for payments related to the General Motors Project and in anticipation of the issuance of Water Utility Revenue Bonds to be issued about July, 1986, which borrowing shall be for a period not to exceed 210 days.

SECTION 3. The borrowings referred to herein shall be negotiated by the City Controller and subject to final approval by the Board of Public Works and Safety and all actions of the Controller, Mayor, and Members of the Board of Public Works and Safety of the City of Fort Wayne, Indiana, relative to the execution of all documents necessary to complete the above and forgoing transactions, are hereby authorized, approved and ratified.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-256-85 on the 23rd day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-55

DECLARATORY RESOLUTION NO. R-161-85

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Parcel C, Block #13 Interstate  
Industrial Park, Fort Wayne,  
Indiana;

said property more commonly known as SEC Newaygo Road and Production Road, Interstate Industrial Park, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 12-23-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-161-85 on the 23rd day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-35

DECLARATORY RESOLUTION NO. R-162-85

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area" under  
I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated December 6, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Tract 1

Part of Lot "B" Romy's Out Lots in the Southwest Quarter of Section 26, Washington Township, Allen County, Indiana, in accordance with the plat recorded in Plat Book 1, page 73 in the Office of the Recorder of said County:

Together with part of a tract of land shown as the Wilson Tract on the aforesaid recorded plat, lying South of and adjoining Lot "B" in the Southwest Quarter of said Section, in particular described as follows, to-wit:

To arrive at the point of beginning, commence on the West line of said Lot "B" as defined by the centerline of a public road known as the Lima Road, presently called Wells Street in City Maps, at a point situated 400.0 feet South of the Northwest corner of said Lot "B"; thence East on a line parallel to the North line of said Lot "B", a distance of 520.0 feet to the point of beginning initially referred to and the Northwest corner of the Subject Tract; thence Continuing East and parallel to the North line of said Lot "B", a distance of 273.5 feet to the West right-of-way line of the former Lake Shore & Michigan Southern Railroad, now the Consolidated Rail Corporation, as situated 50 feet normally distant Westward of the single tract centerline; thence South along the said railroad right-of-way line, a distance of 125.0 feet; thence West and parallel to the North line of said Lot "B", a distance of 271.0 feet; thence North and parallel to the centerline of said Wells Street, a distance of 125.0 feet to the point of beginning containing 0.78 acres, more or less, of land.

Together with a 20 foot easement to afford ingress and egress thereto in particular described as follows:

Commence at the Southwest corner of the Subject Tract; thence West and parallel to the North line of said Lot "B", a distance of 520.0 feet to the centerline of said Wells Street; thence North along said centerline, a distance of 20.0 feet; thence East and parallel to the North line of said Lot "B", a distance of 520.0 feet to the West line of the Subject Tract; thence South along the line aforesaid, a distance of 20.0 feet to the point of beginning.

Subject to all legal roads and highways

#### Tract 2

Part of Lot "B" ROMY'S OUT LOTS in the Southwest Quarter of Section 26, Washington Township, Allen County, Indiana, in accordance with the plat recorded in Plat Book 1, page 73, in the Office of the Recorder of said County;

Together with part of a Tract of land shown as the Wilson Tract on the aforesaid recorded Plat, lying South of and adjoining said Lot "B";

The captioned property being further defined as the North 125

feet of the West 520 feet of a 2.13 Acre Tract of land conveyed by instrument recorded in Deed Record 603, pages 496-497, in particular by metes and bounds described as follows, to-wit:

Commencing on the West line of said Lot "B", as defined by the centerline of a public road known as the Lima Road, presently called Wells Street, at a point situated 400.0 feet South of the Northwest corner of said Lot "B"; thence Easterly on a line parallel to the North line of said Lot "B" by a deflection left of 88 degrees 59 minutes from the Southerly extension of said Wells Street centerline, a distance of 520.0 feet to a pin set; thence Southerly and parallel to said Wells Street centerline by a deflection right of 88 degrees 59 minutes, a distance of 125.0 feet to the South line of said 2.13 Acre Tract; thence Westerly along the said South line a distance of 520.0 feet to the centerline of said Wells Street; thence Northerly along the said centerline by a deflection right of 88 degrees 59 minutes, a distance of 125.0 feet to the place of beginning; Containing 1.489 Acres of land more or less;

said property more commonly known as 3420 N. Wells, 3412 N. Wells, 3414 N. Wells & 3416 N. Wells, Fort Wayne, Indiana 46808;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area: for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-162-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

DECLARATORY RESOLUTION NO. R-163-85

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area"  
under I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated November 11, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

The West 402' of the South 452.55' of the  
North 772.55' NE 1/4, SE 1/4, Section 14,  
Township 31 North, Range 12 East, City of  
Fort Wayne, Indiana;

said property more commonly known as Oakbrook Office Park, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said Designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendation and resolution, if applicable.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-163-85 on the 23rd day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-39

DECLARATORY RESOLUTION NO. R-164-85

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area"  
under I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated November 20, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

110 by 145 ft. Lots 1 & 2 and south  
30 ft. lot 3 Wilding first  
addition;

said property more commonly known as 2229 S. Anthony Blvd., Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.



SECTION 3. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-164-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-49

DECLARATORY RESOLUTION NO. R-165-85

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area"  
under I.C. 6-1.1-12.1

WHEREAS, Petitioner has duly filed its petition dated December 12, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Part of the Northwest Quarter of  
Section 7, Township 30 North, Range  
13 East, Allen County, Indiana,  
more particularly described as  
follows:

Commencing at the intersection of  
the Northeasterly right-of-way line  
of Penn Central Railroad (formerly  
the Findlay, Fort Wayne and Western  
Railroad) and the East right-of-way  
line of Anthony Boulevard, said  
point being 30 feet East of the  
West line of the Northwest Quarter  
of Section 7, Township 30 North,  
Range 13 East; thence North along  
the East right-of-way line of  
Anthony Boulevard, a distance of  
84.0 feet; thence East with a  
deflection angle to the right of 90  
degr. 00 min. a distance of 190.0  
feet; thence North with a  
deflection angle to the left of 90  
degr. 00 min., a distance of 123.1  
feet to a point on the South  
right-of-way line of Wayne Trace as

widened (Dec. REs. #254-1913); thence Southeasterly with a deflection angle to the right of 123 degr. 29 min. along said right-of-way line a distance of 88.5 feet to the true point of beginning; thence Southeasterly along said South right-of-way line of Wayne Trace a distance of 461.7 feet; thence South with a deflection angle to the right of 86 degr. 40 min. a distance of 200.97 feet to a point on the North right-of-way line of the Penn Central Railroad; thence Northwesterly with a deflection angle to the right of 87 degr. 15 min. along said North right-of-way line a distance of 22.25 feet; thence South with a deflection angle to the left of 117 degr. 13 min. along the Penn Central Railroad right-of-way line a distance of 14.55 feet; thence Northwesterly with a deflection angle to the right of 117 degr. 13 min. 00 sec. along the North right-of-way line of Penn Central Railroad a distance of 297.45 feet; thence Northerly with a deflection angle to the right of 62 degr. 34 min. a distance of 296.0 feet to the point of beginning, containing 2.07 acres;

said property more commonly known as 1830 Wayne TracE, Fort Wayne, Indiana 46803;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart,  
seconded by Henry, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Resolution No. R-165-85 on the 23rd day  
of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 26th day of December, 1985, at the hour of 3:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December,  
1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-30 (as amended)

SPECIAL ORDINANCE NO. S-257-85

AN ORDINANCE restricting the City of  
Fort Wayne, Indiana from doing business with  
any person or company invested in South Africa,  
while the practice of apartheid exists

WHEREAS, the policy and practice of apartheid  
deliberately separates millions of South African works from their  
families; and

WHEREAS, the policy and practice of apartheid in South  
Africa denies meaningful democratic participation in the  
political process for the majority of the population; and

WHEREAS, the policy and practice of apartheid in South  
Africa consigns the mass of South African citizenry to lives of  
economic and educational deprivation; and

WHEREAS, the policy and practice of apartheid in South  
Africa permits the government to confiscate private property  
legally owned by black South Africans; and

WHEREAS, the policy and practice of apartheid in South  
Africa denies black citizens of South Africa the right to travel  
within the boundaries of their own country; and

WHEREAS, the policy and practice of apartheid is  
repugnant to the moral and political values of democratic and  
free societies, and runs counter to the policy of the United  
States which promotes democratic governments throughout the world  
and its respect for human rights; and

WHEREAS, the community of Fort Wayne, Indiana is  
composed of concerned and responsible citizens who realize that  
their commitment to the protection of human rights and justice is  
not limited to the inhabitants of their home, the residents of  
their neighborhood, the citizens in their city, the individuals  
in the state in which they reside, nor the country in which they  
were born; and

WHEREAS, the community of Fort Wayne, Indiana  
recognizes that individually and collectively our inaction or  
action in response to injustice, wherever it is disclosed,  
results in either the perpetuation or eradication of that  
injustice;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Definitions:

A). The "City of Fort Wayne" shall mean the municipal corporation chartered the State of Indiana known as the City of Fort Wayne, its agents or departments, and any entity which receives some or all of its funds from or through the City of Fort Wayne.

B). "Public Funds" shall mean all moneys, grants and funds, received from any source whatsoever or managed by the City of Fort Wayne, its agents or departments, or received by an entity which receives all its funds from or through the City of Fort Wayne.

## SECTION 2. Doing Business With Banks and Financial Institutions:

A) Subject to the requirements of Indiana State law, the City of Fort Wayne shall not deposit in or allow monies to remain deposited in, nor shall the City of Fort Wayne borrow any money from, any bank or financial institution which has any outstanding loan:

1. To the Republic of South Africa, or its agencies,
2. To any bank or company which is invested, directly or indirectly, in South Africa or its agencies.

B). No Public funds shall be or remain in the stocks, securities, or any other obligations, of any bank or financial institution which has any outstanding loan to the Republic of South Africa, or its agencies, while apartheid exists.

C). Any public funds deposited or invested in a bank or financial institution described in subdivisions (A) or (B) of this Section on the effective date of this Ordinance shall be withdrawn or divested in accordance with subdivision (F) of this Section.

D). All banks or financial institutions wishing to do business with the City of Fort Wayne shall file with the City Controller a certificate signed by the President or other duly authorized officer of such bank setting forth that its board of directors has established and will adhere to a policy of hiring and promotion of employees and officers without regard to race, color, creed, religious affiliation, sex, or national origin and that it does not support any investment in South Africa, and does not support the policy of apartheid in South Africa.

E). The City Controller shall make available for public inspection all certificates filed by banks and financial institutions in accordance with subdivision (D) of this Section.

F). When the City Controller determines that public funds must be withdrawn or divested from a bank or financial institution, for non-compliance with the provisions of this Ordinance, the City Controller shall advise the bank or financial institution in writing that the withdrawal or divestiture of public funds is required by the provisions of this Ordinance, and shall accomplish such withdrawal or divestment within one (1) year after such advice if the bank or financial institution has not brought itself into compliance.

G). The City shall be considered in compliance with this Section by ensuring that no public funds be or remain in deposit or invested with banks or financial institutions which fail to submit the certificate required by subdivision (D) of this Section.

H). The City may do business with a bank or financial institution which does not meet the criteria set forth in subdivision (A) and (B) upon a determination, made in writing and submitted to the City Council, that doing business with such a bank of financial institution is necessary to obtain essential services which are not reasonably obtainable from another bank or financial institution.

## SECTION 3. The Purchase of Goods and Services.

A). Notwithstanding any other requirement of the law, no agency or department of the City of Fort Wayne shall contract for goods and services with any person, firm or corporation, which supports a policy of apartheid in South Africa.

B). As part of the specifications for a bid for goods and services to the City of Fort Wayne, the person, firm or corporation submitting a bid shall submit a certificate signed by its President or other duly authorized officer that it does not support a policy of apartheid in South Africa.

C). If a contract must be awarded to a bidder who supports a policy of apartheid in South Africa, because there are no other responsive bidders who do not provide such support, then the contracting agency or department shall submit a written statement to the Controller detailing the reasons for such action. The Controller shall file that statement with the office of the Mayor and City Clerk.

#### SECTION 4. Severability.

A). If any section, subsection, sentence, clause, paragraph or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

B). Any existing Ordinance or part thereof inconsistent with this Ordinance is hereby repealed.

SECTION 5. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Seven  
Bradbury, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: One  
Schmidt  
ABSTAINED: One  
Burns  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. R-257-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of January, 1986, at the hour of 11:45 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-14

#### SPECIAL ORDINANCE NO. S- 258-85

AN ORDINANCE approving Change Order No. 1  
for Water Contract 8406 - Hacienda Village  
Water Main, with All Star Construction  
& Excavating, Inc., in connection with the Board  
of Public Works and Safety of the City  
of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for Water Contract 8406 - Hacienda Village Water Main, with All Star Construction and Excavating, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #a for Water Contract 8406, Hacienda Village Water Main, is necessary due to the shifting of the water main due to drainage which necessitated the increase of the replacements;

involving a net increase of One Thousand Three Hundred Sixteen and 70/100 Dollars (\$1,316.70), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-258-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-15

SPECIAL ORDINANCE NO. S-259-85

AN ORDINANCE approving Change Order No. 2, Contract 85-W-3, GM Elevated Storage Tank, with Hydrostorage, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 for Contract 85-W-3, GM Elevated Storage Tank, with Hydrostorage, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #2 for Contract 85-W-3, GM Elevated Storage Tank, is necessary because the contractor experienced schedule delays, and has encountered weather related difficulties for this project, after being asked to leave the job due to their non-union status. Painting has been delayed to next year;

involving a net increase of Fifty-Four Thousand One Hundred Fifty-Nine and 43/100 Dollars (\$54,159.43), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Talarico, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven

Bradbury, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico

NAYS: Two

Burns, Schmidt

ABSTAINED: None

ABSENT: None

DATE: 12-23-85

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-259-85 on the 23rd day of December, 1985.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-16

SPECIAL ORDINANCE NO. S-260-85

AN ORDINANCE approving City Utilities Purchase Order #A-41739 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and The Budd Corp./Poly Chem. Division for the Water Pollution Control Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-41739, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the Budd Corp./Poly Chem. Division, for the Water Pollution Control Plant, respectfully for:

the purchase of materials to sufficiently convert one (1) rectangular primary settling tank to non-metallic chain and flights for the Water Pollution Control Plant per the specifications in Reference #761;



involving a total cost of Twenty-Three Thousand and No/100 Dollars (\$23,000.00) all as more particularly set forth in said Purchase order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-260-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)

Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. X-85-10-29

ANNEXATION ORDINANCE NO. X-09-85

AN ORDINANCE annexing certain territory commonly known as the Southwick Village Annexation Area to the City of Fort Wayne, Indiana and including same in Councilmanic District No. 6

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of Sections 20 and 29 in Adams Township 30 North, Range 13 East, in Allen County more particularly described as follows, to-wit:

Beginning at the intersection of the North right-of-way line of Paulding Road and the center line of the Trier Ditch, at the present City limits; thence East along the North right-of-way line of Paulding Road to the West right-of-way line of Wayne Trace Road; thence Southeasterly along the West right-of-way line of Wayne Trace Road to the North line of the Southeast quarter of Section 29, Township 30 North, Range 13 East; thence West along the North line of the Southeast quarter of section 29 to the North-South center line of Section 29; thence West along the North line of the Southwest quarter of Section 29 to the center line of the Trier Ditch; thence Northerly along the center line of the Trier Ditch to the point of beginning.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to area within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already

int he City o Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community Development and Planning. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 6 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect. The above described territory shall become part of the City of Fort Wayne on December 31, 1987 or immediately after the remonstrance period has expired, whichever is later.

Janet G. Bradbury  
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-09-85 on the 23rd day of December, 1985.

ATTEST: (SEAL)  
Sandra E. Kennedy Mark E. GiaQuinta  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-10-30

RESOLUTION NO. R-166-85

A RESOLUTION of the Common Council  
of the City of Fort Wayne, Indiana  
setting forth the policy of the  
City of Fort Wayne, Indiana in regards to  
the annexation of the Southwick Village  
Annexation Area

WHEREAS, the annexation of territory to the City of Fort Wayne is a legislative function; and

WHEREAS, the Common Council of the City of Fort Wayne is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and,

WHEREAS, the Common Council of the City of Fort Wayne has before it an Ordinance for the annexation of the Southwick Village Annexation Area, more specifically described as follows, to-wit:

Parts of Sections 20 and 29 in Adams Township  
30 North, Range 13 East, in Allen County more  
particularly described as follows, to-wit:

Beginning at the intersection of the North right-of-way line of Paulding Road and the center line of the Trier Ditch, at the present City limits; thence East along the North right-of-way line of Paulding Road to the West right-of-way line of Wayne Trace Road; thence Southeasterly along the West right-of-way line of Wayne Trace Road to the North line of the Southeast quarter of Section 29, Township 30 North, Range 13 East; thence West along the North line of the Southeast quarter of Section 29 to the North-South center line of Section 29; thence West along the North line of the Southwest quarter of Section 29 to the center line of the Trier Ditch; thence Northerly along the center line of the Trier Ditch to the point of beginning.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Southwick Village Annexation, it is the policy of the City of Fort Wayne to follow the provisions of Section 1.1 of Chapter 2 of the Municipal Code of the City of Fort Wayne, of 1974, as amended, with regards to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City of Fort Wayne to follow the annexation fiscal plan for said described territory, as prepared by the Division of Community Development and Planning, which is attached hereto and incorporated herein.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. That said plan is hereby approved and adopted by the Common Council of the City of Fort Wayne, Indiana and shall be implemented upon the date of incorporation of the above described territory into the City of Fort Wayne.

Janet G. Bradbury  
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 12-23-85 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-166-85 on the 23rd day of December, 1985.

731

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Mark E. GiaQuinta  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of December, 1985, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-10-44

GENERAL ORDINANCE NO. G-31-85

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana; by adopting I.C. 36-7-9-1 et seq. dealing with the enforcement of unsafe building standards; by creating a Safe Housing Building Advisory Commission; by repealing a previous ordinance and adopting certain additional provisions

THIS ORDINANCE MAY BE REVIEWED IN THE OFFICE OF THE CITY CLERK.

BILL NO. S-85-12-33

SPECIAL ORDINANCE NO. S-01-86

AN ORDINANCE approving Civil City Purchase Order #A-41210 with the Morton Salt Company, for the Street Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-41210, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with the Morton Salt Company, for the Street Department, respectfully for:

the purchase of bulk rock salt for the City of Fort Wayne through the Fort Wayne Street Department per the specifications in Reference #1227;

involving a total cost of Four Hundred Twenty-Three Thousand Three Hundred and No/100 Dollars (\$423,300.00), all as more particularly set forth in said Purchase Order and specifications in Reference #1227, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-01-86 on the  
14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 15th day of January, 1986, at the hour of 2:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January,  
1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-34

SPECIAL ORDINANCE NO. S-02-86

AN ORDINANCE approving Civil City  
Purchase Order #A-45886 with HVAC  
Systems Company, for the Street  
Department Storage Area of the  
City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-45886,  
between the City of Fort Wayne, by and through the Civil City  
Purchasing Agent and the Department of Purchasing, with the HVAC  
Systems Company, for the Street Department Storage Area,  
respectfully for:

the installation of a ventilation  
system at the Street Department  
Storage Area located at 1701  
So. Lafayette Street per the  
specifications in Reference #1230;

involving a total cost of Nine Thousand Nine Hundred  
Seventy-Three and No/100 Dollars (\$9,973.00), all as more  
particularly set forth in said Purchase Order and specifications  
in Reference #1230, and are by reference incorporated herein,  
made a part hereof, and are hereby in all things ratified,  
confirmed and approved.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, and any and all necessary  
approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by GiaQuinta,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-02-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-36

DECLARATORY RESOLUTION NO. R-01-86

A DECLARATORY RESOLUTION confirming  
the designation of an "Economic  
Revitalization Area" under  
I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

Tract 1

Part of Lot "B" Romy's Out Lots in the Southwest Quarter of Section 26, Washington Township, Allen County, Indiana, in accordance with the plat recorded in Plat Book 1, page 73 in the Office of Recorder of said County;

Together with part of a tract of land shown as the Wilson Tract on the aforesaid recorded plat, lying South of and adjoining Lot "B" in the Southwest Quarter of said Section, in particular described as follows, to-wit:

To arrive at the point of beginning, commence on the West line of said Lot "B" as defined by the centerline of a public road known as the Lima Road, presently called Wells Street in City Maps, at a point situated 400.0 feet South of the Northwest corner of said Lot "B"; thence East on a line parallel to the North line of said Lot "B", a distance of 520.0 feet to the point of beginning initially referred to and the Northwest corner of the Subject Tract; thence Continuing East and parallel to the North line of said Lot "B", a distance of 273.5 feet to the West right-of-way line of the former Lake Shore & Michigan Southern Railroad, now the Consolidated Rail Corporation, as

situated 50 feet normally distance Westward of the single tract centerline; thence South along the said railroad right-of-way line, a distance of 125.0 feet; thence West and parallel to the North line of said Lot "B", a distance of 271.0 feet; thence North and parallel to the centerline of said Wells Street, a distance of 125.0 feet to the point of beginning containing 0.78 acres, more or less, of land.

Together with a 20 foot easement to afford ingress and egress thereto in particular described as follows:

Commence at the Southwest corner of the Subject Tract; thence West and parallel to the North line of said Lot "B", a distance of 520.0 feet to the centerline of said Wells Street; thence North along said centerline, a distance of 20.0 feet; thence East and parallel to the North line of said Lot "B", a distance of 520.0 feet to the West line of the Subject Tract; thence South along the line aforesaid, a distance of 20.0 feet to the point of beginning.

Subject to all legal roads and highways.

#### Tract 2

Part of Lot "B" ROMY'S OUT LOTS in the Southwest Quarter of Section 26, Washington Township, Allen County, Indiana, in accordance with the plat recorded in Plat Book 1, page 73, in the Office of Recorder of said County;

Together with part of a Tract of land shown as the Wilson Tract on the aforesaid recorded Plat, lying South of and adjoining said Lot "B";

The captioned property being further defined as the North 125 feet of the West 520 feet of a 2.13 Acre Tract of land conveyed by instrument recorded in Deed Record 603, pages 496-497, in particular by metes and bounds described as follows, to-wit;

Commencing on the West line of said Lot "B", as defined by the centerline of a public road known as the Lima Road, presently called Wells Street, at a point situated 400.0 feet South of the Northwest corner of said Lot "B"; thence Easterly on a line parallel to the North line of said Lot "B" by a deflection left of 88 degrees, 59 minutes from the Southerly extension of said Wells Street centerline, a distance of 520.0 feet to a pin set; thence Southerly and parallel to said Wells Street centerline by a deflection right of 88 degrees 59 minutes, a distance of 125.0 feet to the South line of said 2.13 Acre Tract; thence Westerly along the said South line a distance of 520.0 feet to the centerline of said Wells Street; thence Northerly along the said centerline by a deflection right of 88 degrees 59 minutes, a distance of 125.0 feet to the place of beginning; Containing 1.489 Acres of land more or less;

said property more commonly known as 3420 N. Wells, 3412 N. Wells, 3414 N. Wells & 3416 N. Wells, Fort Wayne, Indiana 46808;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-01-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor



BILL NO. R-85-12-38

DECLARATORY RESOLUTION NO. R-02-86

A DECLARATORY RESOLUTION confirming  
the designation of an "Economic  
Revitalization Area" under  
I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to -wit:

The West 402' of the South 452.55' of the  
North 772.55' NE 1/4, Section 14, Township 31  
North, Range 12 East, City of Fort Wayne,  
Indiana;

said property more commonly known as Oakbrook Office Park, Fort Wayne, Indiana;

WHEREAS, recommendation have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation are under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-02-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 15th day of January, 1986, at the hour of 2:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January,  
1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-40

DECLARATORY RESOLUTION NO. R-03-86

A DECLARATORY RESOLUTION confirming  
the designation of an "Economic  
Revitalization Area" under I.C.  
6-1.1-12.1

WHEREAS, Common Council has previously designated by  
Declaratory Resolution the following described property as an  
"Economic Revitalization Area" under Division 6, Article II,  
Chapter 2 of the Municipal Code of the City of Fort Wayne,  
Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

110 by 145 ft. Lots 1 & 2 and south 30  
ft. lot 3 Wilding first addition;

said property more commonly known as 2229 S. Anthony Blvd., Fort  
Wayne, Indiana;

WHEREAS, recommendations have been received from the  
Committee on Finance and the Department of Economic Development  
concerning said Resolution;

WHEREAS, notice of the adoption and substance of said  
Resolution has been published in accordance with I.C. 5-3-2 and a  
public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has  
already been designated an allocation area under I.C. 36-7-14-39,  
the Fort Wayne Redevelopment Commission has adopted a Resolution  
approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously  
designating the above described property an "Economic  
Revitalization Area" pursuant to I.C. 6-1.1-12.1, said  
designation to begin on the effective date of this Resolution and  
continue for one (1) year. Said designation shall terminate at  
the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full  
force and effect from and after its passage and any and all  
necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by GiaQuinta,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-03-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-12-50

# DECLARATORY RESOLUTION NO. R-04-86

A DECLARATORY RESOLUTION confirming  
the designation of an "Economic  
Revitalization Area" under  
I.C. 6-1.1-12.1

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

Part of the Northwest Quarter of Section 7,  
Township 30 North, Range 13 East, Allen  
County, Indiana, more particularly described  
as follows:

Commencing at the intersection of the  
Northeasterly right-of-way line of Penn  
Central Railroad (formerly the Findlay, Fort  
Wayne and Western Railroad) and the East  
right-of-way line of Anthony Boulevard, said  
point being 30 feet East of the West line of  
the Northwest Quarter of Section 7, Township  
30 North, Range 13 East; thence North along  
the East right-of-way line of Anthony  
Boulevard, a distance of 84.0 feet; thence  
East with a deflection angle to the right of  
90 degr. 00 min. a distance of 190.0 feet;  
thence North with a deflection angle to the  
left of 90 degr. 00 min., a distance of 123.1  
feet to a point on the South right-of-way  
line of Wayne Trace as widened (Dec. Res.  
#254-1913); thence Southeasterly with a  
deflection angle to the right of 123 degr. 29  
min. along said right-of-way line a distance  
of 88.5 feet to the true point of beginning;  
thence Southeasterly along said South  
right-of-way line of Wayne Trace a distance  
of 461.7 feet; thence South with a  
deflection angle to the right of 86 degr. 40  
min. a distance of 200.97 feet to a point on  
the North right-of-way line of the Penn  
Central Railroad; thence Northwesterly with  
a deflection angle to the right of 87  
degr. 15 min. along said North right-of-way  
line a distance of 22.25 feet; thence South  
with a deflection angle to the left of 117  
degr. 13 min. along the Penn Central Railroad  
right-of-way line of Penn Central Railroad a  
distance of 297.45 feet; thence Northerly

with a deflection angle to the right of 62  
degr. 34 min. a distance of 296.0 feet to the  
point of beginning, containing 2.07 acres;

said property more commonly known as 1830 Wayne Trace, Fort  
Wayne, Indiana 46803;

WHEREAS, recommendations have been received from the  
Committee on Finance and the Department of Economic Development  
concerning said Resolution;

WHEREAS, notice of the adoption and substance of said  
Resolution has been published in accordance with I.C. 53-2 and a  
public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has  
already been designated an allocation area under I.C. 36-7-14-39,  
the Fort Wayne Redevelopment Commission has adopted a Resolution  
approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously  
designating the above described property an "Economic  
Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is  
hereby declared an "Economic Revitalization Area" pursuant to  
I.C. 6.1.1-12.1, said designation to begin on the effective date  
of this Resolution and continue for one (1) year. Said  
designation shall terminate at the end of that one (1) year  
period.

SECTION 3. That this Resolution shall be in full  
force and effect from and after its passage and any and all  
necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by GiaQuinta,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Resolution No. R-04-85 on the 14th day  
of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 15th day of January, 1986, at the hour of 2:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January,  
1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-01-05

RESOLUTION NO. R-05-86

A RESOLUTION REQUIRING THE CITY OF  
FORT WAYNE TO COMPLY WITH PROVISIONS OF  
PENDING FEDERAL TAX LEGISLATION  
RELATING TO THE ISSUANCE OF TAX  
ANTICIPATION TIME WARRANTS BY  
CITY OF FORT WAYNE, INDIANA

WHEREAS, this Common Council has adopted Ordinance No. S-250-85, which ordinance authorizes the issuance of \$11,800,000.00 of City of Fort Wayne, Indiana, Tax Anticipation Time Warrants due December 31, 1986; and

WHEREAS, a bill is pending in Congress which, if enacted in its present form, would place additional restrictions on the exemption of interest on municipal obligations from federal income tax, effective after December 31, 1985;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Mayor and Controller are authorized and directed (a) to file and, if required to desirable, to refile an information report as provided in Section 701 of a bill for an act entitled "Tax Reform Act of 1985", (b) to spend at least five percent of the proceeds of Tax Anticipation Time Warrants within thirty days of receipt of the proceeds of the issuance of the Warrants, and (c) to spend the proceeds of the Warrants and interest earnings thereon to pay current expenses of the specific fund for which borrowed within six months after the date of issuance or to rebate to the United States within thirty days after the maturity of the Warrants if required by law for the interest on such Warrants to be exempt from federal income tax in amount equal to the sum of

(A) The excess of

(i) The aggregate amount earned on all non-purpose investments (other than investments attributable to an excess described in this sub-paragraph) over

(ii) The amount which would have been earned if all non-purpose investments were invested at a rate equal to the yield of the issue, plus

(B) Any income attributable to the excess described in sub-paragraph (A).

It is reasonably anticipated that the City of Fort Wayne, Indiana will not issue more than \$11,800,000.00 of tax exempt Tax Anticipation Time Warrants in 1986. The Tax

Anticipation Time Warrants are designated as qualified obligations pursuant to Section 265(b) of the Internal Revenue Code as added by Section 802 of the Tax Reform Act of 1985.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One  
Schmidt

DATE: 1-14-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-05-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-11-62

GENERAL ORDINANCE NO. G-01-86

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating an alley thereof

WHEREAS, a petition to vacate a public alley within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a public alley with the City of Fort Wayne, more specifically described as follows, to-wit:

- (1) The north-south 12-foot alley lying west of and adjacent to Lots 19 and 26 in Lewis Addition, extending from Lewis Street to Douglas Avenue.
- (2) The east-west 14-foot alley lying south of and adjacent to Lots 13 through 19, and Lot 22 in said Lewis Addition, extending from Lafayette Street to Clay Street, excepting therefrom the east 75 feet thereof,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.

PASSED by the following vote:

AYES: Eight  
 Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
 Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of  
 Fort Wayne, Indiana, as Special Ordinance No. G-01-86 on the  
 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
 Indiana, on the 15th day of January, 1986, at the hour of 2:00  
 o'clock P.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 17th day of January,  
 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. G-85-11-63

GENERAL ORDINANCE NO. G-02-86

AN ORDINANCE amending the Thoroughfare Plan  
 of the City Comprehensive ("Master")  
 Plan by vacating an alley thereof

WHEREAS, a petition to vacate a public alley within  
 the City of Fort Wayne (as more specifically described below) was  
 duly filed with the City Planning Commission; and,

WHEREAS, said Commission has duly forwarded its  
 recommendation to this body approving said petition, all in  
 accordance with I.C. 36-7-4-512(2) and this body having held a  
 public hearing on said vacation as sprovided in I.C. 36-7-3-12;  
 and,

WHEREAS, this body concurs in the recommendation of  
 the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
 THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a  
 public alley within the City of fort Wayne, more specifically  
 described as follows, to-wit:

All of that alley situated in the City of  
 Fort Wayne, Allen County and State of  
 Indiana, and being part of Sublots Nos. 4 to  
 6 inclusive in Block three (3) of Ewing's  
 Addition to the City of Fort Wayne, and being  
 more particularly bounded and described as  
 follows:

Beginning at the southwestern point of said  
 alley which is 25.13 feet north of teh  
 southwest corner of Sublot No. 6 as measured  
 along the Eastern edge of Webster Street as  
 plated in plat book 2, page 30 in the Allen  
 County Recorder's Office; thence continuing  
 in a Northeasterly direction along the South  
 right-of-way line of said alley a distance of  
 one hundred fifty-four (154) feet to the East  
 property line of Sublot No. 4, thence North  
 along the East property ine of Sublot No. 4  
 a distance of fourteen (14) feet; thence in  
 a Southwesterly direction, along the North  
 right-of-way of said alleyd a distance of  
 156.56 feet to a point on the Easterly line  
 of Webster Street, as platted in plat book 2,  
 page 40; thence south along the easterly  
 line of Webster Street a distance of fourteen

(14) feet to the place of beginning,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Stier, Talarico  
NAVS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance Ordinance No. G-02-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-12-48 (as amended)

GENERAL ORDINANCE NO. G-03-86

AN ORDINANCE amending Chapter 19 of the Municipal Code of the City of Fort Wayne, Indiana, to permit alcoholic beverages in the Senior Citizens Center under the control of the Department of Parks and Recreation

WHEREAS, the use of alcoholic beverages on City park property currently is prohibited with the exception of the Botanical Conservatory; and

WHEREAS, use of alcoholic beverages in the Botanical Conservatory is permitted only with a prior written permit from the Board of Public Commissioners and only if the permittee complied with all rules and regulations of the Board of Park Commissioners; and

WHEREAS, an exception to the general prohibiting alcoholic beverages on City park property was made for the Botanical Conservatory because the Botanical Conservatory is an enclosed area where the use of alcoholic beverages can be easily controlled; and

WHEREAS, the Department of Parks and Recreation also has other enclosed areas where the use of alcoholic beverages could be easily controlled, such as the Senior Citizens Center; and



WHEREAS, it is desirous to allow the use of alcoholic beverages in the Senior Citizens Center, for parties, receptions and other gatherings, under the control of the Department of Parks and Recreation.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 19, Article 1, of the Municipal Code of the City of Fort Wayne is hereby amended by repealing sections 19-8(a) and 19-8(c) and substituting the following new code sections which read as follows:

- (a) No intoxicants of any kind, including wine, beer, ale, or other alcoholic beverages, shall be brought into a park area, consumed, sold or given away on the premises of any public park, parkway or boulevard strip, except in the following enumerated locations, and only with a prior written permit to do so having been received from

the Board of Park Commissioners: Botanical Conservatory, and Senior Citizens Center under the control of the Department of Parks and Recreation of the City of Fort Wayne, Indiana.

- (c) The Board of Park Commissioners shall have the authority to develop and implement policies controlling the possession and use of alcoholic beverages in the locations enumerated herein.

SECTION 2. Any Ordinance in conflict with this Ordinance is hereby repealed.

SECTION 3. This Ordinance shall be in full force and effect upon passage and approval by the Mayor, and legal publication thereof.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Stier, Talarico  
NAYS: One  
Redd  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-03-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-41

SPECIAL ORDINANCE NO. S-03-86

AN ORDINANCE approving City Utilities Purchase Order #A-52202, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Wayne-Vaughn Company, for the City Utilities Garage Fuel Island

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52202, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the Wayne-Vaughn Company, for the City Utilities Garage Fuel Island, respectfully for:

the material and labor to construct a replacement canopy over the City Utilities Garage Fuel Island per the specifications in Reference #762;

involving a total cost of Thirteen Thousand Three Hundred Ninety-Nine and No/100 Dollars (\$13,399.00), all as more particularly set forth in said Purchase Order and Reference #762, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GlaQuinta, Henry,  
Redd, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-03-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-42

SPECIAL ORDINANCE NO. S-04-86

AN ORDINANCE approving City Utilities Purchase Order #A-52205, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Allen County Motors for the Water Maintenance and Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52205, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and Allen County Motors for the Water Maintenance and Service Department, respectfully for:

the purchase of six (6) new service vans for the Water Maintenance and Service Department through the City Utilities Garage per the specifications in Reference #756;

involving a total cost of Sixty-Three Thousand Seven Hundred Fifty-One and 08/100 Dollars (\$63,751.08), all as more particularly set forth in said Purchase Order and Reference #756, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved. This Purchase Order is subject to financing through the City Equipment Lease Program as provided for in Ordinance #S-174-84.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-04-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-43

SPECIAL ORDINANCE NO. S-05-86

AN ORDINANCE approving Contract 85-XP-8, St. Joseph Center Road Connecting Feeder Main, by and between the City of Fort Wayne, Indiana and Miller & Associates, in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Contract 85-XP-8, St. Joseph Center Road Connecting Feeder Main, by and between the City of Fort Wayne, Indiana and Miller & Associates, in connection with the Board of Public Works and Safety, for:

the installation of 2,000 ± L.F. of 12" ductile iron water main on St. Joseph Center Road, from Hazelett Road, eastward to Arlington Parkway North;

involving a total cost of Fifty Thousand Eight Hundred Thirty-Nine and 85/100 Dollars (\$50,839.85) all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and are available for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQunita, Henry, Redd, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-05-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-44

SPECIAL ORDINANCE NO. S-06-86

AN ORDINANCE approving City Utilities Purchase Order #A-52176 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Central Supply Company for the Street Light Engineering Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52176, between the City of Fort Wayne, by and through its City Utilities and the Department of Purchasing with the Central Supply Company, for the Street Light Engineering Department, respectfully for:

the purchase of the 1986 lamp requirements for the City of Fort Wayne and City Utilities through the Street Light Engineering Department per the specifications in Reference #763;

involving a total cost of Seventy Thousand and No/100 Dollars (\$70,000.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Elbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-06-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## SPECIAL ORDINANCE NO. S-07-86

AN ORDINANCE approving Change Order No. 2 and FINAL for Winchester Road Sanitary Sewer Improvement - Res. 404-1974, with All Star Construction and Excavating, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 and FINAL for Winchester Road Sanitary Sewer Improvement - Res. 404-1874, with All Star Construction and Excavating, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #2 and FINAL is a final closeout change order. Certain items have been increased or decreased based on the final measurements;

involving a net increase of Two Hundred Sixty-Two and 44/100 Dollars (\$262.44), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary a approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-07-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-46

SPECIAL ORDINANCE NO. S-08-86

AN ORDINANCE approving Change Order No. 1 and FINAL for Water Contract 85-XP-3, Ferguson Road Feeder Main - GM Project, with Scheidleman, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and FINAL for Water Contract 85-XP-3, Ferguson Road Feeder Main - GM Project, with Scheidleman, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #1 and FINAL for Water Contract 85-XP-3, 16: Ferguson Road Water Main is necessary because plans are being altered to accommodate additional asphalt and the elimination of backfill and additional hardware;

involving a net decrease of Four Thousand One Hundred Twenty-Five and 06/100 Dollars (\$4,125.06), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-08-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-85-12-47

SPECIAL ORDINANCE NO. S-09-86

AN ORDINANCE approving Change Order No. 1 for Contract 85-XP-5, 24" Indianapolis, Lafayette, Feighner Roads Feeder Main (GM Project), with T-G Excavating, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 for Contract 85-XP-5, 24" Indianapolis, Lafayette, Feighner Roads Feeder Main (GM Project), with T-G Excavating, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #1, Contract 85-XP-5, GM Project, is necessary because of the following:

1. The State Highway Project was crossed twice, these crossings required casing pipe.
2. Lafayette Center Road had to be open-cut twice.
3. The length of the project is increased.
4. Additional fittings are required for the new location.
5. Additional superlock pipe is required. This pipe is more expensive to purchase and install than the slipjoint pipe.
6. Special backfill is required as the project is being constructed in road right-of-way, rather than easements.
7. Pavement restoration is now required as a portion of this main is being constructed in the pavement.

involving a net increase of One Hundred Twenty-Four Thousand

Eight Hundred Seventy-Two and 59/100 Dollars (\$124,872.59), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember



Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eibart, GiaQuinta, Henry,  
Redd, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-09-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-01-01

RESOLUTION NO. R-06-86

A RESOLUTION OF THE Common Council of the City of Fort Wayne, Indiana, urging that the week of January 27 through January 31, 1986, be declared "JUST SAY NO" to drugs and alcohol in the City of Fort Wayne

WHEREAS, the young people of Fort Wayne, Indiana are its most important and precious resources, our leaders of tomorrow; and

WHEREAS, Substance abuse by young people in our country has reached epidemic proportions, and is, in fact, higher in the United States than in any other industrialized country; and

WHEREAS, WKJG-TV 33, in cooperation with the NBC Television Network and local community health organizations, has launched a "Just Say No" public information campaign committed to encouraging our young people to lead a healthy lifestyle, free of drugs and alcohol;

NOW THEREFORE, BE IT RESOLVED THAT THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA proclaims the week of January 27 through January 31, 1986, as "JUST SAY NO" WEEK in the City of Fort Wayne, and further resolves to support and encourage "Just Say No" clubs and their activities, as well as substance abuse programs throughout the entire city during 1986.

Samuel J. Talarico  
Councilmember

Read the third time in full and on motion by Talarico, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Schmidt

DATE: 1-14-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-06-86 on the 14th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 17th day of January, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-02

SPECIAL ORDINANCE NO. S-10-86

AN ORDINANCE approving Civil City Purchase Orders #A-45914, #A-45915, #A-45916 and #A-45917, with Ron Lunz Excavating, Martin Enterprises, Miller & Associates, and Gaines Construction respectively, for the Community Development and Planning Division through the Safe Housing Enforcement Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders #A-45914, #A-45915, #A-45916 and #A-45917, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing with Ron Lunz Excavating, Martin Enterprises, Miller & Associates, and Gaines Construction respectively, for the Community Development and Planning Division through the Safe Housing Enforcement Department, respectively for:

the demolition of various structures throughout the City of Fort Wayne through the Safe Housing Enforcement Department for the Community Development and Planning Division;

involving a total cost of Eighteen Thousand Seven Hundred and No/100 Dollars (\$18,700.00), (Ron Lunz Excavating - \$15,175.00; Martin Enterprises - \$1,600.00; Miller & Associates - \$1,425.00; and Gaines Construction - \$500.00), all as more particularly set forth in said Purchase Orders and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 1-28-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-10-86 on the 28th day of January, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-03

SPECIAL ORDINANCE NO. S-11-86

AN ORDINANCE approving Civil City Purchase Order #A-45920 with Robert E. Crosby & Sons, Inc., for the Department of Parks and Recreation, through the Board of Park Commissioners of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-45920, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with Robert E. Crosby & Sons, Inc., for the Department of Parks and Recreation, through the Board of Park Commissioners, respectfully for:

the renovation of Memorial and Conklin Park Pavilions, Foster Park restrooms, McMillen Ice Arena Warming Room, to light basketball court at McMillen and to add drinking fountain at Foster Golf Course, per the specifications of Reference #1236 through the Board of Park Commissioners

involving a total cost of One Hundred Seventy-Five Thousand One Hundred Twenty-Two and No/100 Dollars (\$175,122.00), all as more particularly set forth in said Purchase Order and specifications in Reference #1236, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 1-28-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-11-86 on the 28th day of January, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-04

SPECIAL ORDINANCE NO. S-12-86

AN ORDINANCE approving Civil City Purchase Order #A-45921 with the S.E. Johnson Company/Dailey Division, for the Department of Parks and Recreation, through the Board of Park Commissioners of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-45921, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with the S.E. Johnson Company/Dailey Division, for the Department of Parks and Recreation, through the Board of Park Commissioners, respectfully for:

the construction of a new basketball court at McMillen Park, to pour and resurface asphalt areas around McMillen and Shoaff Park Clubhouses and new asphalt and parking lot at Swinney Tennis Courts per the specifications in Reference #1236 through the Board of Park Commissioners;

involving a total cost of Sixty-Eight Thousand Seven Hundred Nineteen and 79/100 Dollars (\$68,719.79), all as more particularly set forth in said Purchase Order and specifications in Reference #1236, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-12-86 on the 28th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-01-16

RESOLUTION NO. R-08-86

A RESOLUTION approving the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1986

WHEREAS, the Board of Managers of the Fort Wayne-Allen County Convention and Tourism Authority has prepared and submitted to this body a proposed budget for the calendar year 1986, in accordance with the provisions of I.C. 36-10-8-8, which budget this body finds to be proper and acceptable.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. that the proposed budget of the Fort Wayne-Allen County Convention and Tourism Authority for the calendar year 1986, as submitted to this Council on January 28, 1986, be and the same is hereby approved.

SECTION 2. That this Resolution shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-08-86 on the 28th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-01-06

RESOLUTION NO. R-07-86

A RESOLUTION ESTABLISHING PROCEDURES TO  
BE FOLLOWED BY THE CITY OF FORT  
WAYNE, INDIANA WHEN REQUESTED TO  
CONSENT TO THE ISSUANCE OF  
ECONOMIC DEVELOPMENT REVENUE BONDS  
BY OTHER UNITS OF GOVERNMENT  
WITHIN ALLEN COUNTY

WHEREAS, Indiana Code 36-7-12-22 provides that economic development commissions established by a "unit" have jurisdiction throughout the county, both inside and outside the corporate boundaries of any municipality, subject to the provision that a facility to be located within a municipality may not be financed by a country without the consent of the fiscal body of the municipality; and

WHEREAS, economic development commissions have been established within Allen County by other municipalities and by the county and a procedure needs to be established for this Common Council to follow when its consent is requested.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. All requests for consent to economic development revenue bond financing which are submitted to this Common Council upon the recommendation of any economic development commission other than the Fort Wayne Economic Development Commission shall require the adoption of a resolution of this Common Council consenting thereto.

SECTION 2. Upon request by an applicant for a resolution consenting to a financing, a resolution shall be introduced into the Common Council at its next regular meeting and after first reading of the resolution, said resolution shall be referred to the Fort Wayne Economic Development Commission and the Department of Economic Development for their review and recommendation. Final action on the resolution will be deferred until the Fort Wayne Economic Development Commission and the Department of Economic Development submit their recommendation to this Common Council at which time the resolution may be placed on the agenda for final action.

SECTION 3. This resolution shall be in effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-07-86 on the 28th day of January, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-12

SPECIAL ORDINANCE NO. S-13-86

AN ORDINANCE amending Chapter 28 of the Fort Wayne Municipal Code, entitled "Taxicabs"

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 28 of the Fort Wayne Municipal Code, entitled "Taxicabs" is hereby amended as follows:

Section 28-3(d)

A). In the second paragraph, fourth line, place a period after the word "Safety". Delete the words "on which such plate shall be printed or stamped the words "Taxi No. \_\_\_\_\_, 19\_\_\_\_, Fort Wayne, Indiana",."

B). In the second paragraph, eighth line, add the words, "front and" between the words "the" and "rear".

Section 28-3(e):

A). At the end of the first sentence add the words "or suspend" between the words "revoke" and "any".

Section 28-3(f):

A). At the end of the first sentence, add the words "or suspension" between the words "revocation" and "of".

Section 28-11(a)(2):

A). Add the words "as insurer deemed acceptable by the Board of Public Works and Safety, or an" between the words "or" and "insurer".

Section 28-13:

A). At the end of the last paragraph, delete the word "windshield" and replace with the words "taxicab license plate".

Section 28-18(d):

A). Delete the words "whether such conviction was by verdict or plea of guilty".

Section 28-19:

A). In subsection (b): Delete the words "on July 31

of the calendar year following" and replace with "one year from".

B). Add subsection (c): "Upon issuance of a taxicab driver's license by the Board of Public Works and Safety, the licensee shall pay a license fee to be determined by the Board of Public Works and Safety".

Section 28-20:

A). In the first sentence, add the words "or revoked" between the words "denied" and "by".

Section 28-23(a):

A). Delete the word "Director" and replace with "Board of Public Works and Safety".

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-13-86 on the 28th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-85-12-07

ZONING MAP ORDINANCE NO. Z-01-86

AN ORDINANCE amending the City  
of Fort Wayne Zoning  
Map No. K-38

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 22, 23 and 24 of the Plat of Survey of the Subdivision of Tract #5 in Dreyer's Subdivision in Section 14 and 15, Township 31 North, Range 12 East, Allen County, State of Indiana as recorded in Plat Book #9, Page 61 in the Office of the Recorder of Allen County, Indiana



and the symbols of the City of Fort Wayne Zoning Map No. K-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-01-86 on the 28th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-85-12-08

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. 0-38

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Fractional Southeast Quarter of Section 13, Township 31 North, Range 12 East, in Allen County, Indiana, described as follows, to-wit:

To arrive at the point of beginning, commence at a point on the former centerline of State Road No. 1 and 427, commonly known as the Leo Road, said point being situated 389.5 feet South 23 degrees 47 minutes West (Deed Bearing) of the intersection of the said centerline of State Road No. 1 and 427 and the East line of the Fractional Southeast Quarter of Section 13, Township and Range aforesaid; thence South 83 degrees 17.7 minutes West (Deed Bearing) and by a deflection right of 59 degrees 42 minutes from the Southwesterly direction of said State Road No. 1 and 427 produced, a distance of 120.45 feet to the aforementioned point of beginning as situated on the Northwesterly right-of-way line of State Road No. 1 and 427 as now established by right-of-way Grant to the State Highway Department of Indiana recorded in Deed Record 574, page 199, said point also being the Northeast corner of the tract hereinafter described; thence continuing Southwesterly

along the last described course produced, a distance of 506.1 feet to the Southwest corner of Lot 19 CRESTWOOD COLONY, Section 1, as recorded, in Plat Book 25, page 56, in the Office of the Recorder of said County; thence South 25 degrees 28 minutes West (Deed Bearing) and by a deflection left of 57 degrees 59 minutes along the Southeasterly line of said CRESTWOOD COLONY, Section 1, a distance of 462.5 feet; thence Easterly and parallel to the North line of Bethany Lane as

established in Deed Record 535, page 547, by a deflection left of 117 degrees 44 minutes, a distance of 501.4 feet to the Northwesterly right-of-way line of State Road No. 1 and 427; thence Northeasterly along the said right-of-way line by a deflection left of 63 degrees 59 minutes, a distance of 498.0 feet to a point of beginning; containing 4.85 acres of land;

SUBJECT TO a 14 foot wide utility easement described in Deed Record 519, pages 449-50;

SUBJECT TO a storm drainage easement over 50 feet off the Westerly and Northerly borders thereof as per Board of Public Works Storm Drainage Resolution No. 165 (1966).

and the symbols of the City of Fort Wayne Zoning Map No. 0-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by, seconded by, and duly adopted, placed on its passage. LOST by the following vote:

AYES: None

NAYS: Nine

Bradbury, Burns, Eisbart, GlauQuinta, Henry, Redd, Schmidt, Stier, Talarico

ABSTAINED: None

ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

BILL NO. R-86-01-31 (AS AMENDED)

RESOLUTION NO. R-09-86

A RESOLUTION of the Common Council  
of the City of Fort Wayne, Indiana,  
establishing fees pursuant  
to Chapter 28 of the Municipal  
Code of the City of  
Fort Wayne

WHEREAS, this Council previously amended Chapter 28 of the Municipal Code of the City of Fort Wayne; and,

WHEREAS, the present Chapter 28 requires that the Common Council of the City of Fort Wayne approve the "permit fee" charged permittees pursuant to Section 28-6, the annual renewal fee for the permits issued under that Section and the license fees required under said Chapter; and,

WHEREAS, the Board of Works and Safety has determined that the amount of one hundred dollars (\$100.00) should be the fee required for the permit fee and for the annual renewal of a permit; and,

WHEREAS, the Board of Works and Safety has determined that twenty five dollars (\$25.00) be established as the license fee required under Chapter 28.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Common Council resolves that the permit fee charged a permit applicant pursuant to Section 28-6 of Chapter 28 be set in the amount of one hundred dollars (\$100.00).

SECTION 2. That the Common Council further resolves that the annual permit renewal fee charged for the renewal of a permit issued under Section 28-6 be set in the amount of one hundred dollars (\$100.00).

SECTION 3. That the Common Council further resolves that the license fees charged under Section 28-6 be set in the amount of twenty five dollars (\$25.00).

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.

PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-09-86 on the 28th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-07

SPECIAL ORDINANCE NO. S-14-86

AN ORDINANCE approving Contract for  
St. Joe Road - St. Joe Center Rd.  
Sanitary Sewer, Contract #897-85, by and  
between the City of Fort Wayne,  
Indiana and Land Excavating, Inc.,  
in connection with the Board  
of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Contract #897-85 for St. Joe Road - St. Joe Center Road Sanitary Sewer, by and between the City of Fort Wayne, Indiana and Land Excavating, Inc., in connection with the Board of Public Works and Safety, for:

The Contract for St. Joe Road - St. Joe Center Road Sanitary Sewer is described as follows:

Beginning at an existing manhole located 35 ± L.F. South of and 510 ± L.F. East of the centerline intersection of St. Joe Road and St. Joe Center Road; thence Northwesterly a distance of 90 ± L.F.; thence West along and parallel to the North right-of-way of St. Joe Center Road 210 ± L.F. terminating at a proposed clean-out located 30 ± L.F. North of and 230 ± L.F. East of the centerline of St. Joe Road and St. Joe Center Road. Also: Beginning at a proposed manhole located 30 ± L.F. North of and 320 ± L.F. East of the centerline intersection of St. Joe Road and St. Joe Center Road; thence North 140 ± L.F. to a proposed manhole; thence Northeasterly 90 ± L.F. terminating at a proposed clean-out located 220 ± L.F. North of and 380 ± L.F. East of the centerline intersection of St. Joe Road and St. Joe Center Road. Said sewer shall be 8" in diameter;

involving a total cost of Twenty-Four Thousand Four Hundred Ten and No/100 Dollars (\$24,410.00), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and are available for public inspection.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-14-86 on the 28th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-08

SPECIAL ORDINANCE NO. S-15-86

AN ORDINANCE approving Change Order No. 1 (FINAL) for GM Water Contract 85-XP-6, with Weitzel Construction, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 (FINAL) for GM Water Contract 85-XP-6, with Weitzel Construction, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #1 (FINAL) GM Water Contract 85-XP-6, Lafayette Center Road/Winters Road Feeder Main, was necessitated due to inability to obtain easements, conflict on construction schedule and problems which arose from demobilization-remobilization, and a conflict with a fire hydrant location;

involving a net increase of Sixty-One Thousand Nine Hundred Fourteen and 70/100 Dollars (\$61,914.70), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 1-28-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-15-86 on the 28th day of January, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 29th day of January, 1986, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of January, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-13

SPECIAL ORDINANCE NO. S-16-86

AN ORDINANCE AMENDING SPECIAL ORDINANCE NO. S-297-81 BY AUTHORIZING A CHANGE IN THE ANNUAL INTEREST RATE ACCRUING ON THE CITY OF FORT WAYNE ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BONDS (COMMERCIAL WAREHOUSE & CARTAGE, INC., PROJECT); CHANGING THE AMOUNT OF THE MONTHLY INSTALLMENT PAYMENT OF PRINCIPAL AND INTEREST ON SAID BONDS; AUTHORIZING A FIRST SUPPLEMENTAL AND AMENDATORY LOAN AGREEMENT AND A FIRST SUPPLEMENTAL AND AMENDATORY TRUST INDENTURE; AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") has heretofore issued its Economic Development First Mortgage Revenue Bonds (Commercial Warehouse & Cartage, Inc. Project) (the "Bonds"), in the original principal amount of \$330,000, and loaned the proceeds thereof to Commercial Warehouse & Cartage, Inc., an Indiana Corporation (the "Company") for the acquisition, construction and installation of an economic development facility within the boundaries of the Issuer; and

WHEREAS, the Issuer, the Company, the Trustee (as that term is hereinafter defined) and the holders of all of the Bonds have consented and agreed to an adjustment in the annual interest rate accruing on the Bonds, as well as a change in the monthly installment payment of principal and interest on the Bonds.

BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. Definitions. In addition to the words and terms defined in the recitals and elsewhere herein, in Special Ordinance No. S-297-81 (the "Original Bond Legislation"), in the Original Indenture and in the Supplemental Indenture, the words and terms defined in this Section shall have the meanings herein specified unless the context or use clearly indicates another or different meaning or intent.

"ORIGINAL BOND LEGISLATION" means Special Ordinance No. S-297-81 of the Issuing Authority.

"SUPPLEMENTAL BOND LEGISLATION" means this ordinance.

"SUPPLEMENTAL INDENTURE" means the First Amendatory and Supplemental Trust Indenture dated as of February 1, 1986, between the Issuer and the Trustee, including this Supplemental Bond Legislation as a part thereof, and any permitted amendments

or supplements thereto.

"SUPPLEMENTAL LOAN AGREEMENT" means the First Amendatory and Supplemental Loan Agreement dated as of February 1, 1986, between the Issuer and the Company, and any permitted amendments or supplements thereto.

"TRUSTEE" means the Trustee at the time acting as such under the Indenture and the Supplemental Indenture, currently Summit Bank, successor by merger to Indiana Bank and Trust Company of Fort Wayne, as Trustee, and any successor Trustee as determined or designated under or pursuant to the Indenture.

Section 2. Adjustment in Interest Rate and Monthly Payment on Bonds. The annual interest rate on the Bonds and the monthly payment of principal and interest on the Bonds as provided in section 4 of the Original Bond Legislation shall be adjusted as hereinafter set forth. Commencing February 1, 1986, interest on the outstanding principal balance of the Bonds (calculated on the basis of a 360-day year, 30-day month) shall accrue at the rate of ten and one-half percent (10.5%) per annum. Further, commencing on March 1, 1986, and on the first day of each month thereafter until the Bonds have been paid in full, the monthly installments of principal and interest due and payable on the Bonds shall be reduced to \$3,406.50. Except as herein specifically provided, all of the other provision relating to the Terms of the Bonds as set forth in Section 4 of the Original Bond Legislation, and all other sections of the Original Bond Legislation, shall remain in full force and effect.

Section 3. Authorization of Supplemental Loan Agreement and Supplemental Indenture. In order to properly effect the change in interest rate and monthly payment provisions as set forth in Section 2 above, the Executive and the Fiscal Officer are hereby authorized and directed to execute, acknowledge and deliver, on behalf of the Issuer, the Supplemental Loan Agreement and the Supplemental Indenture, in substantially the forms submitted to this Issuing Authority, which are hereby approved with such changes therein not inconsistent with this Supplemental Bond Legislation and not substantially adverse to the Issuer as may be permitted by the Act and approved by the Legal Officer and by the persons executing the same. The approval of such changes by the Legal Officer and such members, and that such are not substantially adverse to the Issuer, shall be conclusively evidenced by the execution of the Supplemental Loan Agreement and the Supplemental Indenture by such persons.

This Supplemental Bond Legislation shall constitute a part of the Supplemental Indenture as therein provided and for all purposes of the Supplemental Indenture, including, without limitation, application to this Supplemental Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for

severability.

Section 4. Effective Date. This Supplemental Bond Legislation shall take effect and be in force immediately upon its adoption.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-16-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## SPECIAL ORDINANCE NO. S-17-86

AN ORDINANCE approving Civil City Purchase Order #A-46191 with the Gleave Construction Company, for the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-46191, between the city of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchasing and Gleave Construction, for the Board of Public Works and Safety, respectfully for:

the purchase of material and labor to construction a 6' high vinyl-coated chain link fence along the entire south property line of River Cove Apartments, Fort Wayne, Indiana, located at North Clinton Street per the agreement in the annexation proposal; for the Board of Public Works and Safety, per specifications #2205;

involving a total cost of Twenty-One Thousand One Hundred Sixty and No/100 Dollars (\$21,160.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None

ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-17-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor



BILL NO. S-86-01-15

SPECIAL ORDINANCE NO. S-18-86

AN ORDINANCE approving Civil City  
Purchase Order #A-46230 with  
Honeywell Corp., for the Division  
of Public Safety of the City of  
Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-46230,  
between the City of Fort Wayne, by and through the Civil City  
Purchasing Agent and the Department of Purchasing and Honeywell  
Corp., respectfully for:

the purchase of a computer aided  
dispatch system for the Division of  
Public Safety per the  
specifications in Reference #1225;

involving a total cost of Two Hundred Ninety-One Thousand Six  
Hundred Seventy-Eight and No/100 Dollars (\$291,678.00), all as  
more particularly set forth in said Purchase Order, which is on  
file in the Office of the Department of Purchasing, and is by  
reference incorporated herein, made a part hereof, and is hereby  
in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, and any and all necessary  
approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-18-86 on the 11th  
day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 13th day of February, 1986, at the hour of 2:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February,  
1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

DECLARATORY RESOLUTION NO. R-11-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 616 E. Wallace (Allen Pattern Works, Inc., Petitioner)

WHEREAS, Petitioner has duly filed its petition dated December 26, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Lots 191, 192 & 193, Lewis Addition;

said property more commonly known as 616 E. Wallace Street, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one (1) year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of new manufacturing equipment.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

770  
Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-11-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-02-04

DECLARATORY RESOLUTION NO. R-12-86

A DECLARATORY RESOLUTION designating an  
"Economic Revitalization Area"  
under I.C. 6-1.1-12.1 for property commonly  
known as 3925 Dalman Road,  
Fort Wayne, Indiana, (Hagerman  
Construction Corporation, Petitioner)

WHEREAS, Petitioner has duly filed its petition dated December 23, 1985, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Part of the Northeast Quarter of Section 5, Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 5, Township 29 North, Range 12 East, Allen County, Indiana; thence West along the North line of the NE1/4 of Sec. 5-20-12, a distance of 111.92 feet; thence South with a deflection angle to the left of 89 degr. 47 min. a distance of 60.0 feet to the point of beginning, said point being on the South right-of-way line of Dalman Road; thence West with a deflection angle to the right of 89 degr. 47 min. along said right-of-way line and parallel to the North line of the NE1/4 of Sec. 5-29-12, a distance of 390.0 feet; thence South with a deflection angle to the left of 89 degr. 47 min. a distance of 390.0 feet; thence East with a deflection angle to the left of 90 degr. 13 min. and parallel to the North line of the NE1/4 of Sec. 5-29-12 a distance of 390.0 feet; thence North with a deflection angle to the left of 89 degr. 47 min. a distance of 390.0 feet to the point of beginning, containing 3.49 acres;

said property more commonly known as 3925 Dalman Road, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a six-year (6) deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-12-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-02-06

DECLARATORY RESOLUTION NO. R-13-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3512 Cavalier Drive, Fort Wayne, Indiana (Donaldson-Levasseur Partnership, Petitioner)

WHEREAS, Petition has duly filed its petition dated January 7, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Lot Numbered 14 in Centennial Industrial Park, Section III, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana;

said property more commonly known as 3512 Cavalier Drive, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";

(c) Common Council shall publish notice in accordance with I.C. 53-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;

(d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by the Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a three (3) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-13-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## DECLARATORY RESOLUTION NO. R-14-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2802 Congressional Parkway, Fort Wayne, Indiana. (Jean S. Huguenard, Petitioner)

WHEREAS, Petitioner has duly filed its petition dated January 29, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Lot 73 in Congressional Industrial Park, Section II in the City of Fort Wayne according to the plat thereof recorded in Plat Record 45, pages 26-29 in the Office of the Recorded of Allen County, Indiana;

said property more commonly known as 2801 Congressional Parkway, Fort Wayne, Indiana;

WHEREAS, it appears that said petitioner should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-714-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-14-86 on the 11th day of

February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-12-12

GENERAL ORDINANCE NO. G-04-86

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a dedicated utility easement

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereon; and,

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of fort Wayne, more specifically described as follows, to-wit:



Part of BLOCK 10, SPEEDWAY ADDITION, SECTION II, as recorded in Plat Book 32, pages 13-14, in the Office of the Recorder of Allen County. the existing 14 foot wide Easement for sewer as indicated on the recorded plat, the centerline of which extends Northeasterly from the South line of said BLOCK, at a distance of 115 feet West of the Southeast corner thereof to the North border of said BLOCK at a point of 70 feet West of the East line and 10 feet South of the North line.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-04-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-85-12-13 (AS AMENDED)

GENERAL ORDINANCE NO. G-05-86

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of public right-of-way

WHEREAS, a petition to vacate a portion of public street within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereon; and,

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and those body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a portion of public street within the City of Fort Wayne, more specifically described as follows, to-wit:

Part of the North one-half of the Northwest Quarter of Section 15, Township 30 North, Range 12 East, Allen County, Indiana, described as follows, to-wit:

Commencing on the centerline of Brooklyn Avenue at a point North 3 degrees 45 minutes West, a distance of 356.4 feet (5.40 chains) from its intersection by the South line of the tract aforesaid; thence continuing North 3 degrees 45 minutes West on said centerline, a distance of 29.7 feet to a point situated 386.1 feet (5.85 chains) North 3 degrees 45 minutes West from its intersection by the South line of the tract aforesaid; thence North 87 degrees 56 minutes East, a distance of 618.04 feet to West line of a 50-foot street called Vesey Avenue in the Plat of VESEY'S GARDEN ADDITION; thence Southerly on the line aforesaid, a distance of 29.7 feet; thence South 87 degrees 56 minutes West, a

distance of 615.6 feet to the point of beginning; Containing 0.42 acres, more or less, except the west 25 feet thereof,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-05-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-01-11

GENERAL ORDINANCE NO. G-06-86

AN ORDINANCE amending the Animal  
Control Ordinance of the City of  
Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Article III of the Animal Control  
Ordinance of the City of Fort Wayne, Indiana, entitled "Animal  
Care Regulations" is hereby amended as follows:

Section 6-4. Enumerated. shall now read as follows:

(4) Vaccination; tags. Cats and  
dogs over the age of six (6) months  
must be vaccinated by a licensed  
veterinarian for rabies. Dogs  
must be vaccinated yearly; cats  
must have a current rabies  
vaccination. Both cats and dogs  
must wear a current rabies tag at  
all times attached to a properly  
fitted collar or harness

NOTE: The Department of Animal  
Control will attempt to educate the  
public to the availability of  
3-year vaccines for cats.

SECTION 2. Article XI/2 of the Animal Control  
Ordinance, entitled "Public Spay and Neuter Clinic" is hereby  
amended as follows:

Section 6-29. Generally. shall now read as follows:

(a) Authority for clinic; fees. The Shelter  
Manager is hereby authorized and empowered to  
establish a clinic at which members of the public  
may have dogs and cats spayed or neutered in a  
humane manner upon payment of the following fees;

- (1) For spaying a female dog or cat.....\$25.00
- (2) For neutering a male dog..... 20.00
- (3) For neutering a male cat..... 15.00

Non-city residents shall pay an additional \$5.00  
per surgical procedure.

SECTION 3. All provisions of the Municipal Code to  
the contrary shall hereby be deemed amended by the provisions

hereof.

SECTION 4. That this Ordinance shall be in full force  
and effect from and after its passage and any and all necessary  
approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Seven

Bradbury, Elsbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: Two

Burns, Schmidt

ABSTAINED:

ABSENT:

DATE: 2-11-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-06-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 18th day of February, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-01-21

GENERAL ORDINANCE NO. G-07-86

AN ORDINANCE amending the Animal  
Control Ordinance of the City  
of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Article I of the Animal Control Ordinance of the City of Fort Wayne, Indiana, entitled "Definitions" is hereby amended as follows:

Section 6-1. Terms defined. shall now read as follows:

Breeder: Any person who intentionally or accidentally causes the breeding of a cat or dog or makes a cat or dog available for breeding purposes, or any person who offers for sale, sells, trades, receives other compensation or gives away any litter(s) of dogs or cats; excepting a litter(s) of dogs or cats taken to the Department of Animal Control.

SECTION 2. Article III of the Animal Control Ordinance, entitled "Animal Care Regulations" is hereby amended as follows:

Section 6-4. Animal Care. shall now read as follows:

(23) Animals as novelties. No person or establishment shall sell, offer for sale, barter, or give away chicks, goslings, ducklings, or other fowl as pets or novelties.

(25) Prohibited Animal Events. No person or group of persons or any for profit or not for profit organization, whether for pay or other compensation or for free promotional purposes, shall conduct or allow any event involving contests between animal(s) or person(s) using animal(s) in any form or manner except those events reviewed and approved for the safety, well-being, and comfort of

the animals involved by the  
Department of Animal Control.

SECTION 3. Article V of the Animal Control Ordinance,  
entitled "Registration and Permits" is hereby amended as follows:

Section 6-8, Kennel/cattery permits, shall now  
read as follows:

(1) Any person owning or  
harboring more than three  
(3) unaltered dogs or  
three (3) unaltered cats  
over the age of six (6)  
months must apply for a  
kennel/cattery permit.

(2) Any person engaging  
in boarding dog(s) or  
cat(s) for compensation  
must apply for a  
kennel/cattery permit.

Section 6-9, shall now be entitled "Major  
breeder's permit" and read as follows:

A Major Breeder's permit  
shall be obtained by:

(1) Any person who  
intentionally or  
accidentally causes the  
breeding of a cat or dog  
or makes a cat or dog  
available for breeding  
purposes; or

(2) Any person who  
offers for sale, sells,  
trades, receives other  
compensation or gives  
away any litter(s) of  
dogs or cats; excepting  
a litter(s) of dogs or  
cats taken to the  
Department of Animal  
Control;

and such person shall:

(3) not allow the  
birthing of more than one  
(1) litter per female dog  
or cat in a twelve-month

period; and

(4) furnish the  
Department of Animal  
Control with information  
on the birth of each  
litter of dogs or cats as  
may be required by  
Department of Animal  
Control to register that  
litter of dogs or cats  
with Department of Animal  
Control, and to be  
assigned a litter number  
for each litter; and

(5) further be required  
to register with the  
Department of Animal  
Control the name,  
address, and telephone  
number of each buyer or  
new owner of any dog or  
cat sold or transferred  
within five (5) days  
after the date of such  
sale or transfer; and

(6) transmit to the new owner or buyer the litter number of the animal acquired, and the major breeder's permit number in order that the new owner have assurance and proof that the animal was legally bred; and

(7) immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except an animal(s) taken to the Department of Animal Control) against common disease; in the case of dogs, against canine distemper, adenovirus parainfluenza, parvovirus, coronavirus, and leptospirosis, and in the case of cats, against feline rhinotracheitis,

and panleucopenia; and

(8) not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or for free giveaway (except a puppy or kitten or litter(s) of them taken to the Department of Animal Control); and

(9) furnish warrant of health for a period of not less than one week with recommendation to have examined by licensed veterinarian for each animal sold.

Section 6-10. shall now be entitled "Minor Breeder's Permit", and read as follows:

A Minor Breeder's permit shall be obtained by:

(1) Any person who intentionally or accidentally causes the breeding of a cat or dog or makes a cat or dog available for breeding purposes.

(2) Any person who offers for sale, sells, trades, receives other compensation or gives away any litter(s) of dogs or cats; excepting a litter(s) of dogs or cats taken to the Department of Animal Control;

and such person shall:

(3) be allowed to breed only one (1) dog or one (1) cat which results in the birthing of a maximum of one (1) litter in a twelve-month period in his or any other domestic

household or establishment or any combination thereof; and

(4) not be allowed to offer for sale, sell, trade, receive other compensation or give away more than one (1) litter of dogs or one (1) litter of cats in a twelve-month period; excepting a litter(s) dogs or cats taken to the Department of Animal Control; and

(5) furnish the Department of Animal Control with information on the birth of each litter of dogs or cats as may be required by the Department of Animal Control to register that litter of dogs or cats with the Department of Animal Control, and to be assigned a litter number for each litter; and

(6) further be required to register with the Department of Animal Control the name, address, and telephone number of each buyer or new owner of any dog or cat sold or transferred within five (5) days after the date of such sale or transfer; and

(7) transmit to the new owner or buyer the litter number of the animal acquired, and the minor breeder's permit number in order that the new owner have assurance and proof that the animal was legally bred; and

(8) immunize all cats

and dogs offered for sale, trade or other compensation or for free giveaway (except as animal(s) taken to the Department of Animal Control) against common disease; in the case of dogs, against canine distemper, adenovirus parainfluenza, parvovirus, coronavirus, and leptospirosis, and in the case of cats, against feline rhinotracheitis, and panleucopenia; and

(9) not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or free giveaway (except a puppy or kitten or litter(s) of them taken to the Department of Animal Control) and

(10) furnish warrant of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold.

SECTION 4. Article VI of the Animal Control Ordinance, entitled "Registration and Permit Applications; Fees" is hereby amended as follows:

Section 6-19. Fees. shall now read as follows:

(4) Major breeder's permit:

Fee.....\$100.00  
Plus any applicable  
kennel/cattery  
permit fee.

Permit will be  
issued after  
inspection and  
approval by the  
Department of  
Animal Control

and/or Board of  
Health and  
verification of  
same is  
submitted to  
controller's  
office and  
provided all  
requirements of  
this chapter  
are met.

(5) Minor breeder's permit:

Fee.....\$25.00

Plus any  
applicable  
kennel/cattery  
permit fee.

Permit shall be  
issued provided  
all require-  
ments of this  
chapter are  
met.

(8) Omnibus permit:

Fee.....\$150.00

(a) This permit shall allow the holder to operate a kennel or cattery, grooming shop, pet shop, and to be a major or minor breeder.

SECTION 5. Article VII of the Animal Control Ordinance, entitled "Penalties; Violations" is hereby amended as follows:

Section 6-21. Enumerated. (1) Class A offense, shall now read as follows:

(1) Violators of this chapter shall be fined as follows:

Class A offense: Not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Class A offense: All those offenses having to do with the humane care and/or treatment of animals, unless otherwise



specified. For the purposes of this chapter, Class A offenses shall be section 6-4(1), (2), (3), (5), (9), (10), (11), (13), (14), (15), (17), (18), (19), (24), (25), (27), (28).

SECTION 6. All provisions of the Municipal Code to the contrary, shall hereby be deemed amended by the provisions hereof.

SECTION 7. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and after publication.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Stier, Talarico  
NAYS: One  
Schmidt  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-07-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 19th day of February, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-01-29

SPECIAL ORDINANCE NO. S-19-86

AN ORDINANCE approving a Contract by the City of Fort Wayne by and through its Board of Public Works and Safety and Gaines Construction Co., Inc., for Res. #6022-85, Hanna-Creighton NSA, Phase IV, Curbs and Walks

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne by and through its Board of Public Works and Safety and Gaines Construction Co., Inc., for Res. #6022-85, Hanna-Creighton NSA, Phase IV, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

The Contract for Improvement Resolution for Curb & Sidewalks for Res. #6022-85 is for improving the curbs and sidewalks within the following streets:

GAY STREET from Buchanan Street to Creighton Avenue (Base Bid);

BOWSER AVENUE from Green Street to Creighton Avenue (Alternate I);

OLIVER AVENUE from Green Street to Creighton Avenue (Alternate II);

the Contract price is Fifty-Six Thousand Two Hundred Twenty-Three and 20/100 Dollars (\$56,223.20).

SECTION 2. Prior approval was received from Common Council with respect to this Contract on July 16, 1985. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-19-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-30

SPECIAL ORDINANCE NO. S-20-86

AN ORDINANCE approving Contract 85-XP-9 - Ardmore Avenue Water Main Extension, by and between the City of Fort Wayne, Indiana and T-G Excavating, Inc., in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Contract 85-XP-9 - Ardmore Ave. Water Main Extension, by and between the City of Fort Wayne, Indiana and T-G Excavating, Inc., in connection with the Board of Public Works and Safety, for:

the furnishing of all materials, labor, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary to install 1,875± L.F. to a point 200± feet north of Norfolk & Western Railway

involving a total cost of Sixty-Six Thousand Eight Hundred One and No/100 Dollars (\$66,801.00), all as more particularly set forth in said Contract, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-20-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-01-17

RESOLUTION NO. R-10-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, authorizing the acquisition of the Anthony Apartments by the Fort Wayne Housing Authority

WHEREAS, the Fort Wayne Housing Authority contemplates acquiring the Anthony Apartments for the sum of Five Hundred Fifty Thousand and No/100 Dollars (\$550,000.00);

WHEREAS, such project will provide low-cost housing for senior citizens who do not qualify for federal subsidies;

WHEREAS, a purchase price will be paid from the operation reserves of the Fort Wayne Housing Authority; and

WHEREAS, the Board of Commissioners of the Fort Wayne Housing Authority has approved of this purchase.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Approval is hereby given for the Fort Wayne Housing Authority to acquire the Anthony Apartments for a purchase price of Five Hundred Fifty Thousand and No/100 Dollars (\$550,000.00) and to use such project to provide low-cost housing for senior citizens who do not qualify for federal subsidies.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Stier, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: Two  
Burns, Schmidt  
ABSTAINED: None  
ABSENT: None

DATE: 2-11-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-10-86 on the 11th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of February, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of February, 1986, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-01

SPECIAL ORDINANCE NO. S-21-86

AN ORDINANCE approving Civil City Purchase Orders #A-46277, #A-46278, #A-46279 and #A-46280, with Shirt Hut, Inc., Brothers Screen Print, New Haven Trophies and Langhams Silkscreen, respectively, for the Parks and Recreation Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders #A-46277, #A-46278, #A-46279 and #A-46280, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with Shirt Hut, Inc., Brothers Screen Print, New Haven Trophies and Langhams Silkscreen, respectively, for the Parks and Recreation Department of the City of Fort Wayne, respectfully for:

the purchase of athletic apparel  
for the Parks Department through  
the Board of Park Commissioners;

involving a total cost of Twelve Thousand Seventy-Five and 78/100 Dollars (\$12,075.78) - (Shirt Hut, Inc., \$10,005.48; Brothers Screen Print, \$78.60; New Haven Trophies, \$832.50; Langhams Silkscreen, \$1,159.20), all as more particularly set forth in said Purchase Orders, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 2-25-86

Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-21-86, on the 25th day of February, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-02-03

DECLARATORY RESOLUTION NO. R-15-86

A DECLARATORY RESOLUTION confirming  
the designation of an "Economic  
Revitalization Area" under I.C. 6-1.1-12.1  
for property commonly known as  
616 E. Wallace. (Allen Pattern Works,  
Inc., Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

Lots 191, 192 & 193, Lewis Addition;

said property more commonly known as 616 E. Wallace, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves as area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to the deduction of the assessed value of new manufacturing equipment.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-15-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-02-05

DECLARATORY RESOLUTION NO. R-16-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3925 Dalman Road, Fort Wayne, Indiana (Hagerman Construction Corporation, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2, of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

Part of the Northeast Quarter of Section 5, Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of Section 5, Township 29 North, Range 12 East, Allen County, Indiana; thence West along the North line of the NE1/4 of Sec. 5-29-12, a distance of 111.92 feet; thence South with a deflection angle to the left of 89 degr. 47 min. a distance of 60.0 feet to the point of beginning, said point being on the South right-of-way line of Dalman Road; thence West with a deflection angle to the right of 89 degr. 47 min. along said right-of-way line and parallel to the North line of the NE1/4 of Sec. 5-29-12, a distance of 390.0 feet; thence South with a deflection angle to the left of 89 degr. 47 min. a distance of 390.0 feet; thence East with a deflection angle to the left of 90 degr. 13 min. and parallel to the North line of the NE1/4 of Sec. 5-20-12 a distance of 390.0 feet; thence North with a deflection angle to the left of 89 degr. 47 min. a distance of 390.0 feet to the point of beginning, containing 3.49 acres;

said property more commonly known as 3925 Dalman Road, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-31 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated a location area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That it is the preliminary intent of Common Council to recommend a six (6) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3(b), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86

Sandra E. Kennedy  
City Clerk

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Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-16-86, on the 25th day of February, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-02-07

DECLARATORY RESOLUTION NO. R-17-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3512 Cavalier Drive, Fort Wayne, Indiana. (Donaldson-Levasseur Partnership, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

Lot Numbered 14 in Centennial Industrial Park, Section III, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana;

said property more commonly known as 3512 Cavalier Drive, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for a one (1) year period. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That it is the preliminary intent of Common Council to recommend a three (3) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3(b), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.



SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-17-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-02-09

DECLARATORY RESOLUTION NO. R-18-86

A DECLARATORY RESOLUTION confirming  
the designation of an "Economic  
Revitalization Area" under I.C.  
6-1-1.12.1 for property commonly  
known as 2802 Congressional Parkway,  
Fort Wayne, Indiana  
(Jean S. Huguenard, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1-1-12.1., to-wit:

Lot 73 in Congressional Industrial Park,  
Section II in the City of Fort Wayne  
according to the plat thereof recorded in  
Plat Record 45, pages 26-29 in the Office of  
the Recorder of Allen County, Indiana;

said property more commonly known as 2802 Congressional Parkway, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year period. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3(b), final determination of length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-18-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-02-39

RESOLUTION NO. R-19-86

AS AMENDED  
RESOLUTION FINDING, DETERMINING  
AND RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION AUTHORIZING THE ISSUANCE  
AND SALE OF NOT TO EXCEED  
\$2,600,000.00 ECONOMIC REVENUE BONDS  
OF THE CITY OF FORT WAYNE, INDIANA  
FOR THE PURPOSE OF INDUCING THE  
APPLICANT CROWN GROUP, INC., OR ITS  
ASSIGNEE TO PROCEED WITH THE  
ACQUISITION CONSTRUCTION AND  
EQUIPPING OF THE PROJECT

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Crown Group, Inc., or its Assignee (the "Applicant") has received an Inducement Resolution from this Common Council, said resolution being R-155-85 passed on December 17, 1985, wherein the Applicant was granted an Inducement Resolution for acquisition of an E-Coat System, other equipment, tooling and machinery, to be located at one of two locations, either 9910 Airport Drive, Allen County, Indiana, said inducement including the acquisition of said real estate and improvements, or 2110 Meyer Road, Allen County, Indiana; and

WHEREAS, the Applicant has advised the Fort Wayne Economic Development Commission and the Issuer that it now proposes an additional location for the Project, said location to be 4301 Engle Road, within the city limits of Fort Wayne, Indiana, together with the acquisition of the E-Coat system, tooling and machinery previously induced; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission on the amended resolution, it citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council finds, determines, ratifies and confirms the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Economic Development Commission in recommending the amended Project, found specifically that the amended Project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana, and the Common Council has also held a hearing and specifically finds that the amended Project will not have an adverse competitive effect on similar facilities already constructed or operating in Allen County, Indiana.

SECTION 3. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$2,600,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project, or the amended Project will serve the public purpose referred to above, in accordance with the Act. This amended Resolution confirms and ratifies the Inducement Resolution previously granted for Project 1 or Project 2 in the original Resolution, and further, constitutes an Inducement Resolution for the amended Project, namely, acquisition of the E-Coat system, other equipment, tooling and machinery previously induced, together with acquisition of real estate and improvements located at 4301 Engle Road, Fort Wayne, Indiana. The Inducement Resolution for the Applicant shall only apply to one of the three locations; that is, the Applicant must designate at the time it seeks final approval which location it has chosen and the Inducement Resolution for the other locations shall lapse at that time.

SECTION 4. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; and (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 5. All costs of the Project or the amended Project incurred after the passage of Resolution No. R-155-85 will be permitted to be included as part of the bond issue to

finance said Project, as approved in Resolution No. R-155-85, except that all costs relating to the acquisition of the real estate and improvements located at 4301 Engle Road, Fort Wayne, Indiana must be incurred after the passage of this Inducement Resolution.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-19-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-10 (AS AMENDED)

SPECIAL ORDINANCE NO. S-22-86

AN ORDINANCE amending the Animal Control  
Code of the City of Fort Wayne, Indiana

WHEREAS, the City is desirous of amending its Animal Control Ordinance; and

WHEREAS, such amendments will be of a benefit and improvement to animal control.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Animal Control Ordinance of the City of Fort Wayne, Indiana, is hereby amended as follows:

Sec. 6-1. Terms Defined.

Owner: A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person. Subject to restrictions set forth in Section 6-5.

Pet Shop: Any person, group or persons, partnership or corporation, whether operated separately or in connection with another business enterprise, except a licensed cattery, kennel, or BREEDERS, that buys, sells or offers for sale any species of animal.

Sec. 6-5 Lost or Stray Animals. Persons finding a stray animal are to notify the Department of Animal Control within forth-eight (48) hours. At the discretion of the Department, the animal may be kept by the finder and a found report left with the Department, to enable the finder an opportunity to return the animal to its rightful owner. Upon demand by the Department of Animal Control, any found animal will be surrendered to the Department and held for three (3) working days, before a disposition is made. Persons finding an animal are obligated to comply with all rules and regulations of this chapter pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner. With the exception of the Allen County S.P.C.A., the finder will be considered the found animal's owner for the purposes of this chapter only after the animal is in the finder's custody for thirty (30) continuous days.

Sec. 6-14. Circuses, Animal Concessions and Commercial Animal Exhibits.

Any person who is responsible for a circus, animal concession, or a commercial animal exhibit as defined by this chapter must obtain a circus, animal concessions, or commercial animal exhibit permits.

(7) Circus, Animal Concession, and Animal Exhibits Permits:

Fee.....\$100.00

(a) Permits are to be issued for a term of one year, commencing with the date of issuance.

(b) Permits will be issued after inspection approved by the Department of Animal Control and/or Board of Health and verification of same submitted to controller's office and provided all requirements of this chapter are met.

(c) Prior to engagements, permit holders will furnish the Department of Animal Control a schedule of dates and times of exhibits or performances so the Department of Animal Control can perform periodic inspections.

Sec. 6-21. Enumerated.

(1) Violators of this chapter shall be fined as follows:

Class A offense: Not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Class A offense: All those offenses having to do with the humane care and/or treatment of animals, unless otherwise specified. For purposes of this chapter, Class A offenses shall be section 6-4(1), (2), (3), (5), (9), (10), (11), (12), (13), (14), (15), (17), (18), (19), (24), (25), (27).

Class B offense: Not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00). Class B offense: Those offenses, unless otherwise specified, having to do with nuisance violations. For purposes of this chapter, Class B Offenses shall be section 6-4(6), (7), (16), (20), (21), (22), (26).

Class C offense: Not less than fifteen dollars (\$15.00) nor more than one thousand dollars (\$1,000.00). Class C offense: Those violations, unless otherwise specified, having to do with permits and licenses. For purposes of this chapter, Class C

offenses shall be section 6-4(4), (8), (23); section 6-7(1), (2); section 6-8(1), (2), (3), (4), (5); section 6-9(1), (2), (3), (4), (5), (6), (7), (8), (9); section 6-10(1), (2), (3), (4), (5), (6), (7), (8), (9); section 6-11(1), (2), (3); section 6-12(1), (2); section 6-13(1), (2), (3), (4), (5), section 6-14.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GlaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-22-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-01-25

GENERAL ORDINANCE NO. G-08-86

AN ORDINANCE amending the Thoroughfare Plan  
of the City Comprehensive ("Master")  
Plan by vacating a dedicated utility easement

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereon; and,

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512 (2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

Beginning at the northeast corner of Block "A" in Enterprise Center, SECTION I (recorded in Plat Book 32, pages 69 and 70 in the Allen County Recorder's Office); thence west along the south right-of-way line of Collins Road a distance of 14 feet; thence south by a deflection of 90 degrees left a distance of 211 feet; thence West by a deflection of 90 degrees right a distance of 36 feet; thence South by a deflection of 90 degrees left a distance of 7 feet; thence East by a deflection of 90 degrees left a distance of 50 feet to the east line of said Block "A"; thence North by a deflection of 90 degrees left along said east line a distance of 218 feet to the point of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force

and effect from and after its passage, any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-08-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-01-26

GENERAL ORDINANCE NO. G-09-86

AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a dedicated railroad spur easement

WHEREAS, a petition to vacate a dedicated railroad spur easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereon; and,

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated railroad spur easement within the City of Fort Wayne, more specifically described as follows, to-wit:

The East 40.0 feet of the West 550.0 feet of that portion of Section I, Interstate Industrial Park, which lies East of East right-of-way line of Investment Drive and the northerly prolongation of that right-of-way line,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-09-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-86-01-23 (AS AMENDED)

ZONING MAP ORDINANCE NO. Z-02-86

AN ORDINANCE amending the City  
of Fort Wayne Zoning  
Map No. R-10

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:



Part of the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, more particularly described as follows:

Beginning at a point on the North line of the Northwest Quarter of Section 5, Township 30 North, Range 13 East, Allen County, Indiana, said point being 637.0 feet West of the Northeast corner of the NW 1/4 of Sec. 5-30-13; thence West along the North line of the NW 1/4 of Sec. 5-30-13, a distance of 264.0 feet to the Northwest corner of Lot #4 in W.A. Ewing's Subdivision; thence South and parallel to the East line of the NW 1/4 of Sec. 5-30-13, and along the West line of Lot #4, a distance of 330.0 feet to the Southwest corner of Lot #4; thence East and parallel to the North line of the NW 1/4 of Sec. 5-30-13, and along the south line of Lot #4, a distance of 264.0 feet; thence North and parallel to the East line of the NW 1/4 of Sec. 5-30-13, a distance of 330.0 feet to the point of beginning, containing 2.0 acres, subject to road rights-of-way and easements,

and the symbols of the City of Fort Wayne Zoning Map No. R-10, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 2-25-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-02-86, on the 25th day of February, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-86-01-22

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-34

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-B (Community Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of Lot #2 in J. D. Parker Estate, more particularly described as follows:

Point of beginning being the Northwest corner of Lot #2 in J.D. Parker Estate; thence South 87 degrees 01 minutes East on and along the North line of said Lot #2 a distance of 197.07 feet to the Northeast corner of said Lot #2; thence South 00 degrees 02 minutes East on and along the East line of said Lot #2 a distance of 125.11 feet to a point; thence North 89 degrees 55 minutes 20 seconds West a distance of 196.8 feet to a point located on the West line of said Lot #2; thence North 00 degrees 02 minutes West on and along the West line of said Lot #2 a distance of 135.1 feet to the Northwest corner of said Lot #2 also being the point of beginning said tract containing 0.58 acres, more or less,

and the symbols of the City of Fort Wayne Zoning Map No. Q-34, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. LOST by the following vote:

AYES: None

NAYS: Nine

Bradbury, Burns, Eisbart, GlaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

ABSTAINED: None

ABSENT: None

DATE: 2-25-86

Sandra E. Kennedy  
City Clerk

BILL NO. Z-86-01-24

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City  
of Fort Wayne Zoning Map No. N-23

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. that the area described as follows is hereby designated a B-3-B (General Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots 1 and 2 Southside Suburban Place Addition

and the symbols of the City of Fort Wayne Zoning Map No. N-23, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. LOST by the following vote:

AYES: None

NAYS: Nine

Bradbury, Burns, Eisbart, GlaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

ABSTAINED: None

ABSENT: None

DATE: 2-25-86

Sandra E. Kennedy  
City Clerk

## SPECIAL ORDINANCE NO. S-23-86

AN ORDINANCE approving City Utilities Purchase Order #A-52556, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with Tri-State Plumbing Supply Company, for the Water Maintenance and Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52556, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing with Tri-State Plumbing Supply Company, respectfully for:

the purchase of copper pipe for the Water Maintenance and Service Department per the specifications in Reference #766;

involving a total cost of Sixteen Thousand Nine Hundred Ninety-Two and 25/100 Dollars (\$16,992.25), all as more particularly set forth in said Purchase Order and Reference #766 which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-23-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## SPECIAL ORDINANCE NO. S-24-86

AN ORDINANCE approving City Utilities Purchase Order #A-52555, by the City of Fort Wayne, Indiana, by and its Department of Purchasing and the Water Products Company, for the Water and Maintenance and Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52555, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the Water Products Company, for the Water and Maintenance and Service Department, respectfully for:

the purchase of fir hydrants for the Water Maintenance and Service Department, per the specifications in Reference #765;

involving a total cost of Twenty-Eight Thousand Eight Hundred Ninety-Five and 50/100 Dollars (\$28,895.50), all as more particularly set forth in said Purchase Order and Reference #765, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-24-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-13

SPECIAL ORDINANCE NO. S-25-86

AN ORDINANCE approving Change Order No. 1 (FINAL) for Water Main, Res. #1032-84, Ludwig Park Drive, with Scheidleman Excavating, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 (FINAL) for Water Main, Res. #1032-84, Ludwig Park Drive, with Scheidleman Excavating, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #1 (Final) for Water Main - Res. 1032-84, Ludwig Park Drive is necessary to adjust amount to actual work performed. Fire hydrant extension required to bring hydrant up to grade after main installed deeper to avoid existing drainage line;

involving a net increase of Two Hundred Thirty and 60/100 Dollars (\$230.60), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-25-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-14

SPECIAL ORDINANCE NO. S-26-86

AN ORDINANCE approving City Utilities Purchase Order #A-52560, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Wayne Pipe and Supply Company, for the Water Maintenance and Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52560, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and Wayne Pipe and Supply Company, respectfully for:

the purchase of valve boxes and related material for the Water Maintenance and Service Department per the specifications in Reference #769;

involving a total cost of Ten Thousand Three Hundred Forty-Six and 30/100 Dollars (\$10,346.30), all as more particularly set forth in said Purchase Order and Reference #769, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta,  
Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-26-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-15

#### SPECIAL ORDINANCE NO. S-27-86

AN ORDINANCE approving City Utilities Purchase Order #A-52557, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Etna Supply Company, for the Water Maintenance and Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52557, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the Etna Supply Company, respectfully for:

the purchase of curb boxes, extensions and lids for the Water Maintenance and Service Department per the specifications in Reference #767;

involving a total cost of Twenty Thousand Six Hundred Eighty-Five and No/100 Dollars (\$20,685.00), all as more particularly set forth in said Purchase Order and Reference #767, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-27-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-16

SPECIAL ORDINANCE NO. S-28-86

AN ORDINANCE approving City Utilities Purchase Order #A-52559, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Mueller Company for the Water and Maintenance Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52559, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the Mueller Company, for the Water Maintenance and Service Department, respectfully for:

the purchase of corporation stops for the Water Maintenance and Service Department per the specifications in Reference #768;

involving a total cost of Nine Thousand Twenty-Eight and 70/100 Dollars (\$9,028.70), all as more particularly set forth in said Purchase Order and Reference #768, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-28-86, on the  
25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 26th day of February, 1986, at the hour of 2:30  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986,  
at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-17

SPECIAL ORDINANCE NO. S-29-86

AN ORDINANCE approving City Utilities  
Purchase Order #A-52697, by the City  
of Fort Wayne, Indiana, by its Department  
of Purchasing and the Worthington Steel  
Co., for the Water Pollution Control Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order  
#A-52697, between the City of Fort Wayne, by and through its City  
Utilities, and the Department of Purchasing and the Worthington  
Steel Co., for the Water Pollution Control Plant, respectfully  
for:

the purchase of liquid ferrous  
sulfate and/or liquid ferrous  
chloride for the Water Pollution  
Control Plant, per the  
specifications in Reference #2226;

involving a total cost of Sixty Thousand and No/100 Dollars  
(\$60,000.00), all as more particularly set forth in said Purchase  
Order and Reference #2226, which are on file in the Office of  
the Department of Purchasing, and are by reference incorporated  
herein, made a part hereof, and are hereby in all things  
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and any and all necessary  
approval by the Mayor.

Paul M. Burns  
Councilmember



Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
 Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
 Redd, Schmidt, Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-29-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-86-02-18

SPECIAL ORDINANCE NO. S-30-86

AN ORDINANCE approving City Utilities Purchase Orders #A-52562, #A-52563 and #A-52564, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing with Etna Supply Company, Mueller Company and James Jones Company, respectively, for the Water and Maintenance Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders #A-52562, #A-52563 and #A-52564, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing, with Etna Supply Company, Mueller Company and James Jones Company, respectively, for the Water Maintenance and Service Department, respectfully for:

the purchase of curb stops for the Water Maintenance and Service Department, per the specifications in Reference #770;

involving a total cost of Sixteen Thousand Five Hundred Fifty-One and 50/100 Dollars (\$16,551.50); James Jones Company, (\$1,092.00), all as more particularly set forth in said Purchase Orders and Reference #770, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
 Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-30-86, on the 25th day of February, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-19 (as amended)

SPECIAL ORDINANCE NO. S-31-86  
VETOED BY MAYOR WIN MOSES, JR.  
MARCH 3, 1986

AN ORDINANCE TO PROVIDE FOR COLLECTIVE BARGAINING  
AND THE ARBITRATION OF DISPUTES WITH  
RESPECT TO EMPLOYEES OF THE  
CITY OF FORT WAYNE, INDIANA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. REFERENCE. This Ordinance may be cited and referred to at the City Employees' Collective Bargaining and Arbitration Ordinance.

SECTION 2. POLICY. It is hereby declared to be the public policy of the City of Fort Wayne, Indiana:

- A. That the City should recognize each labor organization as selected by the majority of employees in an appropriate unit, and that such organizations should have the right to bargain collectively in their respective members' behalf.
- B. That a reasonable, fair and equitable method of settling disputes between city employees and the city of Fort Wayne should be established in the public interest.
- C. That in the protection of the public health, safety and welfare of the citizens of Fort Wayne, Indiana, City employees in the respective units thereof should not, and will not, be accorded the right to strike. A strike will constitute a violation of this ordinance.

SECTION 2. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings, unless the context requires a difference interpretation:

- A. The term "Bargaining Unit" or "Unit" shall apply to:
  - (1) City Utilities Departments. Representation includes all non-supervisory personnel not specifically classified as "confidential" in the following bargaining units:
    - (a) Water Maintenance and Service
    - (b) Water Pollution Control Plant
    - (c) Water Filtration Plant
    - (d) Water Pollution Control Maintenance
    - (e) General Office
    - (f) All Other Non-Supervisory, Non-Confidential Employees
  - (2) Civil City Departments. Representation includes all non-supervisory personnel not specifically classified as "confidential" in the following bargaining units:
    - (a) Fort Wayne Parks and Recreation
    - (b) Street Department
    - (c) All other Non-Supervisory, Non-Confidential Employees
- B. The term "City Employee" shall mean all employees of the City Utilities Departments and Civil City Departments, excluding Commissioned Police and Fire Personnel, in an appropriate unit.
- C. The term "City" shall mean the City of Fort Wayne and those officially designated person(s) by the Mayor, who shall act on behalf of the City on all factors.
- D. The term "factors" shall mean wages, hours of employment, fringe benefits and working conditions.
- E. The term "Exclusive Representative" shall mean the labor organization selected by the majority of employees in an appropriate unit to represent them as to wages, hours of employment fringe benefits and working conditions.
- F. The term "strike" shall mean any group action or refusal to act, which results in any interference with normal activity of the Department, such as, but not limited to willful absence from one's position, sick-in, or stoppage work and abstinence of interference in whole, or in part from the full, faithful and proper performance of duties of employment without the lawful approval of the City.
- G. The term "confidential employee" means an employee whose unrestricted access to confidential personnel files or whose functional responsibilities or knowledge in connection with the issues involved in dealings between the City and the City employees would make his membership in an employee organization incompatible with his official duties.

SECTION 4. RIGHTS OF EMPLOYEES. City employees all have the right to bargain collectively with the City and to be represented by such labor organizations as selected by the majority of employees in an appropriate unit with respect to factors. The unit shall be recognized as the exclusive representative, unless and until such recognition is withdrawn by a vote of the majority employees in the unit. All elections shall be by secret ballot.

SECTION 5. PAYROLL DEDUCTION OF EMPLOYEES' ORGANIZATION FEES. The City shall, upon written receipt of the authorization of a City employee, deduct from the pay of that employee any fee designated or certified by the appropriate officer of an employees' organization and shall remit those fees to the employees' organization.

SECTION 6. DUTIES

- A. It shall be the obligation of the City to meet and bargain in good faith with the representative or representatives of the Bargaining Unit(s) within five (5) days after receipt of written requests for meeting for collective bargaining purposes. Notices for collective bargaining shall be given to the City by service upon the Controller of the City of Fort Wayne and to the presiding officer of the City Council. The obligation to bargain in good faith shall include the duty to cause any agreement, resulting from such negotiations, to be reduced to writing. A contract may also contain a grievance procedure culminating in final and binding arbitration on unresolved grievances, but such binding arbitration shall have no power to amend, add to, subtract from or supplement provisions of the contract. PROVIDED, HOWEVER, that the term of any such contract in writing shall not exceed three (3) years.
- B. The person(s) designated by the Mayor to represent the City are hereby authorized to conduct all negotiations. Persons so designated shall not be elected government officials.
- C. The Mayor shall meet with the Common Council prior to negotiations to gain suggestions from the members of Council as to items to be considered at the bargaining table. The Mayor shall inform the Common Council at regular intervals of the progress of negotiations.

SECTION 7. IMPASSE. In the event that the Bargaining Unit and the City are unable, within thirty (30) days from an including the date of the first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to

mediation and if need be arbitration, unless an extension is agreed upon by the parties in writing. If the selection of a mediator cannot be agreed upon mutually, the Federal Mediation and Conciliation Service shall provide a mediator upon the request of either the City or the exclusive representative. If the Bargaining Unit's representatives and the City, with the assistance of a mediator, are unable within twenty-five (25) days after the date of the first meeting with the mediator to reach an agreement on a contract, any unresolved issues must be submitted to arbitration.

SECTION 8. ARBITRATION.

- A. Within ten (10) days from the expiration date of the twenty-five (25) day period referred to in Section 7 thereof, the bargaining unit and the city shall begin the process of selecting one arbitrator from a list of seven (7) arbitrators (list with resumes of arbitrators will be provided by Federal Mediation and Conciliation Service) by alternately eliminating names until one arbitrator's name remains. Elimination procedure will be determined by drawing of lots and selection must be completed within ten (10) days from receipt of list from Federal Mediation and Conciliation Service. The arbitrator so selected shall be deemed the arbitrator.
- B. The arbitrator shall call a hearing to be held within ten (10) days after the date of his selection. The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be applicable. Any and all documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator shall have the power to administer oaths to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues presented to him for determination.

- C. The hearing conducted by the arbitrator shall be concluded within twenty (20) days from the time of commencement, and within the (10) days after the conclusion of the hearings the arbitrator shall make written findings and conclusions upon the issues presented, a copy of which shall be mailed or otherwise delivered to the bargaining unit and the City. The arbitrator's decisions(s) shall be considered nonbinding, unless the bargaining unit and the City agree prior to arbitration that the decisions(s) in certain areas shall be binding upon both parties. However, decisions in regard to

annual pay and monetary fringe benefits and hours of employment shall not be binding on the City Council and shall be subject to approval by the Common Council in accordance with statutory authority granted by I.C. 36-4-7-3.

- D. The arbitrator shall conduct the hearings and render his decision upon the basis of a prompt, peaceful and just settlement of all disputes and issues between the bargaining unit and the City with respect to factors. The matters, among others, to be given weight by the arbitrator in arriving at a decision shall include:
- (1) Comparison of factors in respect to City Departments with similar and like factors prevailing not only the local area; but prevailing in other Second Class cities in Indiana; as well as other cities with a population range of Second Class cities, as defined in I.C. 34-4-1-1, which are located within the Great Lakes area.
  - (2) The interest and welfare of the public.
  - (3) Comparison of peculiarities of employment in regard to other trades or professions, in particular:
    - (a) Hazards of employment
    - (b) Physical qualifications
    - (c) Educational qualifications
    - (d) Mental qualifications
    - (e) Job training and skills
  - (4) Such other matters as the arbitrator may deem pertinent or relevant.
- E. Reasonable fees and necessary expenses of mediation and arbitration shall be borne equally by the bargaining unit and the city.

SECTION 9. PRIOR AGREEMENTS. Any agreements negotiated between the bargaining unit and the City either before, or within (30) days after arbitration shall constitute the collective bargaining contract with respect to the City employees and the City for the period stated therein; PROVIDED, HOWEVER, that such period shall not exceed three (3) years.

SECTION 10. NOTICE PROVISION. Whenever the factors, as herein defined, or any other matters requiring the appropriation of money by the City are included as matters of collective bargaining conducted under the provisions of this Ordinance, it shall be the obligation of the bargaining unit to serve written notice of request for collective bargaining in respect to factors on the City at least One Hundred Twenty (120) days before the last day on which money can be appropriated by the City to cover the contract period which is the subject of the collective bargaining procedure.

SECTION 11. SEVERABILITY PROVISION. If any provision of this Ordinance, or application thereof to any person or circumstances, is held unconstitutional or otherwise invalid, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five  
Bradbury, Burns, Henry, Redd, Talarico  
NAYS: One  
Stier  
ABSTAINED: Three  
Eisbart, GiaQuinta, Schmidt  
ABSENT: None

DATE: 2-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-31-86, on the 25th day of February, 1986.

ATTEST: (SEAL)  
Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

THIS ORDINANCE WAS VETOED BY MAYOR WIN MOSES, JR. ON THE 3RD DAY OF MARCH, 1986

BILL NO. S-86-02-22

SPECIAL ORDINANCE NO. S-32-86

AN ORDINANCE approving Civil City Purchase Order #A-46413, with the Lincolnway International Truck Company, for the Board of Park Commissioners of the City of Fort Wayne, Indiana

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-46413, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with the Lincolnway International Truck Company, for the Board of Park Commissioners, respectfully for:

the purchase of a 1986 cab and chassis and the transfer of existing equipment to the same, for the Board of Park Commissioners, per the specifications in Reference #1237;

involving a total cost of Twenty-Three Thousand Seven Hundred Fifty-Four and No/100 Dollars (\$23,754.00), all as more particularly set forth in said Purchase Order and Reference #1237, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
 Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
 Schmidt, Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 Redd

DATE: 3-11-86                      Nadejda Eshcoff  
    Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-32-86 on the 11th day of March, 1986.

ATTEST:                                      (SEAL)

Nadejda Eshcoff                      Samuel J. Talarico  
 Deputy Clerk                          Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
 Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-86-02-23

SPECIAL ORDINANCE NO. S-33-86

AN ORDINANCE approving Civil City Purchase Order #A-46464, with the Ennis Paint Mfg., Inc., for the Traffic Engineering Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-46464, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with the Ennis Paint Mfg., Inc., for the Traffic Engineering Department of the City of Fort Wayne, respectfully for:

the purchase of pavement marking material for the Traffic Engineering Department, per the specifications in Reference #1240;

involving a total cost of Thirty-Seven Thousand Three Hundred Fifteen and 15/100 Dollars (\$37,315.15), all as more particularly set forth in said Purchase Order and Reference #1240, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
 Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Bradbury, Burns, Eisbart, GiaQuinta, Herny, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One

Redd

DATE: 3-11-86

Nadejda Eshcoff

Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-33-86 on the 11th day of March, 1986.

ATTEST:

(SEAL)

Nadejda Eshcoff

Deputy Clerk

Samuel J. Talarico

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff

Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.

Mayor

BILL NO. S-86-02-24

SPECIAL ORDINANCE NO. S-34-86

AN ORDINANCE approving Civil City Purchase Order #A-46501, with the Halterman's Company, for the Fire Department of the City of Fort Wayne, Indiana

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-45601, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with the Halterman's Company, for the Fire Department of the City of Fort Wayne, respectfully for:

the purchase of blazers and jackets for the Fort Wayne Fire Department, per the specifications in Reference #2249;

involving a total cost of Nine Thousand Nine Hundred Twenty-Seven and 50/100 Dollars (\$9,927.50), all as more particularly set forth in said Purchase Order and Reference #2249, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember



Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One

Redd

DATE: 3-11-86      Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-34-86 on the 11th day of March, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff      Samuel J. Talarico  
Deputy Clerk      Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-02-27 (AS AMENDED)

#### GENERAL ORDINANCE NO. G-11-86

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, authorizing the implementation of the City of Fort Wayne's "Community Investment Program."

#### WITNESSETH:

WHEREAS, the City has implemented its Community Investment Program under which the City will facilitate financial and economic development for the benefit of residents of this community.

WHEREAS, the City has previously created the "City of Fort Wayne Community Trust" per Council Ordinance No. G-21-75;

WHEREAS, the City of Fort Wayne Community Trust has been created for the general welfare of the citizens and residents of Fort Wayne, Indiana;

WHEREAS, it is desirable to use the Fort Wayne Community Trust and the monies therein as an investment mechanism with respect to the implementation of the Community Investment Program; and

WHEREAS, the City of Fort Wayne Community Trust is governed by a board of trustees which is empowered and authorized to make investments.

WHEREAS, the City of Fort Wayne Community Trust is governed by a board of trustees which is empowered and authorized to make investments.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne's Community Investment Program is hereby authorized and the City is further empowered and authorized to use funds from the City of Fort Wayne Community Trust as part of the Program. In addition, the Board of Trustees of the City of Fort Wayne Community Trust is empowered and authorized to make investments from City of Fort Wayne Community Trust funds with respect to the Community Investment Program.

SECTION 2. Each investment made under the Community Investment Program from City of Fort Wayne Community Trust funds shall be first approved, in each instance, by the Board of Trustees of the City of Fort Wayne Community Trust, and then must

be also approved in ordinance form by the Fort Wayne Common Council. In determining whether or not to approve an investment, the Board of Trustees shall:

- A. Exercise reasonable and prudent business care as to the making of such an investment;
- B. Keep in mind the purpose of the Community Investment sums to assure, as best as is possible, no diminution of the trust corpus;
- C. Make investments only for property within the City limits of the City of Fort Wayne, Indiana, that: facilitate job creation; and/or cause private investments to occur where such investments would not otherwise happen; and/or add to the tax base; and
- D. Determine the nature and extent of each investment; the terms and conditions of same; and the type of collateral security required.

The Board of Trustees shall have access to and benefit of, in the making of its determinations hereunder, financial and legal advice.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Eisbart, GiaQuinta, Henry, Schmidt,  
Stier, Talarico

NAYS: None  
ABSTAINED: One

Burns  
ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-11-86 on the 11th day of March, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-25

SPECIAL ORDINANCE NO. S-35-86

AN ORDINANCE of the Common Council  
of the City of Fort Wayne, Indiana,  
approving the transfer of cable  
franchises as previously granted by the  
City of Fort Wayne, Indiana

WITNESSETH:

WHEREAS, pursuant to General Ordinances Numbers G-03-79 and G-06-20-78, the City of Fort Wayne, Indiana, by and through the Common Council, awarded cable television franchises to Citizens Cable Communications, Inc. ("Citizens Cable"), (or its predecessors by name change or otherwise);

WHEREAS, Citizens Cable has requested a transfer of such franchises, such request previously having been filed with the Board of Public Works and Safety of the City of Fort Wayne, pursuant to Section 7.5-3(e) of the Cable Communications System Ordinance as contained in the Municipal Code of the City of Fort Wayne, Indiana;

WHEREAS, such request for transfer, as made by Citizens Cable, includes the transfer of Citizens Cable stock to Comcast Corporation and a transfer of the cable television franchises, as referenced herein, to Comcast Cablevision of Indiana Limited Partnership, an Indiana limited partnership whose general partner is Comcast Cable of Indiana, Inc., a wholly-owned subsidiary of Comcast Corporation;

WHEREAS, the Board of Public Works and Safety has held a hearing with respect to such transfers and has approved of same by the passage of resolutions adopted by the Board on January 15, 1986, copies of which are attached and made a part hereof; and

WHEREAS, such transfers are now submitted to the Common Council for approval.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Approval and consent is hereby given by the Common Council of the City of Fort Wayne, Indiana, for the transfer of Citizens Cable stock to Comcast Corporation and approval and consent is given for the transfer of eh franchises (as previously awarded to Citizens Cable) to Comcast Cablevision of Indiana Limited Partnership, an Indiana limited partnership whose general partner is Comcast Cable of Indiana, Inc., a wholly-owned subsidiary of Comcast Corporation. Provided, however, that such consent and approval as herein given shall not

in any fashion diminish or modify the obligations and duties of the franchise holder; the consent as herein given shall not in any fashion diminish the rights of the City as provided in the Cable Communications System Ordinance Number G-27-77 and all amendments thereto; and all terms and conditions of the cable television franchises; contracts awarding same; the Cable Communications System Ordinance and all amendments thereto; and all agreements by and between the franchise holder and the city shall remain in full force and effect and binding in all respects upon franchisee.

SECTION 2. The franchises as herein referred to and as being transferred to Comcast Cablevision of Indiana Limited Partnership, are in full force and effect and there are on known defaults thereunder.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
 Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
 Schmidt, Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 Redd

DATE: 3-11-86 Nadejda Eshcoff  
 Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-35-86 on the 11th day of March, 1986.

ATTEST: (SEAL)  
 Nadejda Eshcoff Samuel J. Talarico  
 Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
 Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-86-02-32

SPECIAL ORDINANCE NO. S-36-86

AN ORDINANCE approving the Contract for Spy Run NSA-85, Res. 6035-85, between the City of Fort Wayne, Indiana and Hipskind Concrete Corporation in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Contract for Spy Run NSA-85, Res. 6035-85, between the City of Fort Wayne, Indiana, and Hipskind Concrete Corporation, in connection with the Board of Public Works and Safety, for:

the improvement for the east side of Griswold Avenue from Tennessee Avenue to the Filtration Plant by constructing curb;

the Contract price is Twelve Thousand Seven Hundred Ninety-One and 50/100 Dollars (\$12,791.50), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
 Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of

Fort Wayne, Indiana as Special Ordinance No. S-36-86 on the 11th day of March, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-33

SPECIAL ORDINANCE NO. S-37-86

AN ORDINANCE approving City Utilities Purchase Order #A-52695, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with the Jones Chemical Company, for the Water Pollution Control Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52695, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing with the Jones Chemical Company, respectfully for:

the purchase of liquid chlorine for the Water Pollution Control Plant, per the specifications in Reference #774;

involving a total cost of Thirty Thousand and No/100 Dollars (\$30,000.00) all as more particularly set forth in said Purchase Order and Reference #774, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION. 2. That this ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
 Bradbury, Burns, Eisbart, GiaQuinta, Schmidt,  
 Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 Redd

DATE: 3-11-86            Nadejda Eshcoff  
                          Deputy Clerk

Passed and adopted by the Common Council of the City of

Fort Wayne, Indiana as Special Ordinance No. S-37-86 on the 11th day of March, 1986.

ATTEST:                            (SEAL)

Nadejda Eshcoff            Samuel J. Talarico  
 Deputy Clerk               Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
 Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-86-02-34

SPECIAL ORDINANCE NO. S-38-86

AN ORDINANCE approving City Utilities Purchase Order #A-52705, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with the Underground Pipe and Valve Company, for the Water Maintenance and Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52705, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing with the Underground Pipe and Valve Company, respectfully for:

the purchase of repair clamps of various sizes for the Water Maintenance and Service Department, per the specifications in Reference #773;

involving a total cost of Eleven Thousand Five Hundred Sixty and 90/100 Dollars (\$11,560.90), all as more particularly set forth in said Purchase Order and Reference #773, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
 Councilmember

Read the third time in full and on motion by Burns,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff

Deputy Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana as Special Ordinance No. S-38-86 on the 11th  
day of March, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 12th day of March, 1986, at the hour of 11:30  
o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986,  
at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-35

SPECIAL ORDINANCE NO. S-39-86

AN ORDINANCE approving City Utilities  
Bid Reference #771, by the City of  
Fort Wayne, Indiana, by and through  
its Department of Purchasing,  
with Rockwell International and  
Badger Meter, respectively, for the  
Water Maintenance and  
Service Department

WHEREAS, the Water Maintenance and Service Department  
is in need of water meters; and

WHEREAS, City Utilities, by and through the City's  
Department of Purchasing has let bids for such acquisitions.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the bids for the purchase of water  
meters, as submitted by Rockwell International and Badger Meter,  
are hereby approved and ratified in all respects. The types of  
water meters to be purchased and the prices for same are as  
indicated on the attached Bid Reference #771 and bid documents,  
made a part hereof and two (2) copies of which are on file with  
the office of the Department of Purchasing and are available for  
public inspection.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and any and all necessary  
approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana as Special Ordinance No. S-39-86 on the 11th  
day of March, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 12th day of March, 1986, at the hour of 11:30  
o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986,  
at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-36

SPECIAL ORDINANCE NO. S-40-86

AN ORDINANCE approving Change Order  
No. 1 (FINAL), for Contract 85-XP-2,  
Dalman-Smith Road Feeder Main, with  
D.N. Higgins, Inc., in connection  
with the Board of Public Works  
and Safety of the City  
of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 (FINAL), for  
Contract 85-XP-2, Dalman-Smith Road Feeder Main, with  
D. N. Higgins, Inc., in connection with the Board of Public Works  
and Safety of the City of Fort Wayne, Indiana, for;

Change Order #1 (FINAL) for Contract 85-XP-2,  
Dalman-Smith Feeder Main is necessary because  
some items were added to resolve a grade  
conflict with an existing County drainage  
structure not shown on plans; while some  
items were deleted from this Contract, and  
added to Contract No. 85-W-2, per Bonar's  
request to resolve horizontal location and  
grade conflicts; plus, some items on this  
change order were not included on the  
original contract;

involving a net increase of Six Thousand Fifty-Eight and 33/100  
Dollars (\$6,058.33), all as more particularly set forth in the  
specifications, and which is on file with the Office of the Board  
of Public Works and Safety, and is by reference incorporated  
herein, made a part hereof and is hereby in all things ratified,  
confirmed and approved.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and any and all necessary  
approval by the Mayor.

Paul M. Burns  
Councilmember



Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Schmidt, Stier, Talarico  
NAYS: None

ABSTAINED: None  
ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-40-86 on the 11th day of March, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-37

SPECIAL ORDINANCE NO. S-41-86

AN ORDINANCE approving City Utilities Purchase Order #A-52780, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with KLF, Inc., for the Telecommunications Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52780, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing with KLF, Inc., for the Telecommunications Department, respectfully for:

the purchase of hardware to connect terminals to the Data General through the Rolm Telephone System for the Telecommunications Department;

involving a total cost of Twenty-Two Thousand One Hundred Ninety-Three and No/100 Dollars (\$22,193.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GlaQuinta, Henry,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-41-86 on the 11th day of March, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-02-38 (AS AMENDED)

SPECIAL ORDINANCE NO. S-42-86

AN ORDINANCE approving City Utilities Purchase Order #A-52779, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with ARC Associates, for the Telecommunications Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Utilities Purchase Order #A-52779, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing with ARC Associates, for the Telecommunications Department, respectfully for:

the purchase of data communications equipment for the implementation of CEO/IMS for the Telecommunications Department, per the specifications in Reference No. 2725;

involving a total cost of Fifty-Six Thousand Nine Hundred Eighty-Seven and No/100 Dollars (\$56,987.00), all as more particularly set forth in said Purchase Order and Reference #2725, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-42-86 on the 11th day of March, 1986.

ATTEST: (SEAL)  
Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-03-01

RESOLUTION NO. R-20-86

A RESOLUTION HONORING THE 1986  
INDIANA STATE BASKETBALL CHAMPIONS  
NORTHROP HIGH SCHOOL

WHEREAS, the Lady Bruins of Fort Wayne Northrop High School proved themselves to be the best High School Basketball team in the State of Indiana when they won the State Championship of the 1986 Indiana High School Athletic Association Basketball Tournament by beating Scottsburg High School by a score of 58 to 55 in the finals of that tournament held in Market Square on Saturday evening, March 1, 1986.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That the people of the City of Fort Wayne, Indiana, its Common Council, Mayor and City Clerk extend their sincerest thanks, appreciation and congratulations to Northrop High School, its faculty, staff and student body, particularly its principal, Doug Williams, its Athletic Director, Mark Schoeff, its head basketball coach, Dave Riley, and all the members of the Championship basketball team.

WHEREAS, we also honor their parents, assistant coaches, managers, cheerleaders and the many other people who worked so hard to prepare the team for the tournament and sustain its through its many trials, for their exemplary display of sportmanship, their talented play, their hard work, their dedication to perfection and their will to win, without all of which Fort Wayne would not have received the honor the "Lady Bruins of Fort Wayne Northrop High School" has brought to us.

James S. Stier  
Councilmember

Read the third time in full and on motion by Stier, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. R-20-86 on the 11th day of March, 1986.

ATTEST: (SEAL)  
Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of March, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-01-19 (as amended)

SPECIAL ORDINANCE NO. S-LOST  
MAYOR MOSES VETO UPHELD  
LACK OF A 2/3 VOTE BY  
COMMON COUNCIL

AN ORDINANCE TO PROVIDE FOR COLLECTIVE BARGAINING  
AND THE ARBITRATION OF DISPUTES WITH  
RESPECT TO EMPLOYEES OF THE  
CITY OF FORT WAYNE, INDIANA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. REFERENCE. This Ordinance may be cited and referred to at the City Employees' Collective Bargaining and Arbitration Ordinance.

SECTION 2. POLICY. It is hereby declared to be the public policy of the City of Fort Wayne, Indiana:

- A. That the City should recognize each labor organization as selected by the majority of employees in an appropriate unit, and that such organizations should have the right to bargain collectively in their respective members' behalf.
- B. That a reasonable, fair and equitable method of settling disputes between city employees and the City of Fort Wayne should be established in the public interest.
- C. That in the protection of the public health, safety and welfare of the citizens of Fort Wayne, Indiana, City employees in the respective units thereof should not, and will not, be accorded the right to strike. A strike will constitute a violation of this ordinance.

SECTION 3. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings, unless the context requires a different interpretation:

A. The term "Bargaining Unit" or "Unit" shall apply to:

(1) City Utilities Departments. Representation includes all non-supervisory personnel not specifically classified as "confidential" in the following bargaining units:

(a) Water Maintenance and Service

(b) Water Pollution Control Plant

(c) Water Filtration Plant

(d) Water Pollution Control Maintenance

(e) General Office

(f) All Other Non-Supervisory,  
Non-Confidential Employees

(2) Civil City Departments. Representation includes all non-supervisory personnel not specifically classified as "confidential" in the following bargaining units:

(a) Fort Wayne Parks and Recreation

(b) Street Department

(c) All other Non-Supervisory,

Non-Confidential Employees

B. The term "City Employee" shall mean all employees of the City Utilities Departments and Civil City Departments, excluding Commissioned Police and Fire Personnel, in an appropriate unit.

C. The term "City" shall mean the City of Fort Wayne and those officially designated person(s) by the Mayor, who shall act on behalf of the City on all factors.

D. The term "factors" shall mean wages, hours of employment, fringe benefits and working conditions.

E. The term "Exclusive Representative" shall mean the labor organization selected by the majority of employees in an appropriate unit to represent them as to wages, hours of employment fringe benefits and working conditions.

F. The term "strike" shall mean any group action or refusal to act, which results in any interference with normal activity of the Department, such as, but not limited to willful absence from one's position, sick-in, or stoppage work and abstinence of interference in whole, or in part from the full, faithful and proper performance of duties of employment without the lawful approval of the City.

G. The term "confidential employee" means an employee whose unrestricted access to confidential personnel files or whose functional responsibilities or knowledge in connection with the issues involved in dealings between the City and the City employees would make his membership in an employee organization incompatible with his

official duties.

SECTION 4. RIGHTS OF EMPLOYEES. City employees all have the right to bargain collectively with the City and to be represented by such labor organizations as selected by the majority of employees in an appropriate unit with respect to factors. The unit shall be recognized as the exclusive representative, unless and until such recognition is withdrawn by a vote of the majority employees in the unit. All elections shall be by secret ballot.

SECTION 5. PAYROLL DEDUCTION OF EMPLOYEES' ORGANIZATION FEES. The City shall, upon written receipt of the authorization of a City employee, deduct from the pay of that employee any fee designated or certified by the appropriate officer of an employees' organization and shall remit those fees to the employees' organization.

SECTION 6. DUTIES

- A. It shall be the obligation of the City to meet and bargain in good faith with the representative or representatives of the Bargaining Unit(s) within five (5) days after receipt of written requests for meeting for collective bargaining purposes. Notices for collective bargaining shall be given to the City by service upon the Controller of the City of Fort Wayne and to the presiding officer of the City Council. The obligation to bargain in good faith shall include the duty to cause any agreement, resulting from such negotiations, to be reduced to writing. A contract may also contain a grievance procedure culminating in final and binding arbitration on unresolved grievances, but such binding arbitration shall have no power to amend, add to, subtract from or supplement provisions of the contract. PROVIDED, HOWEVER, that the term of any such contract in writing shall not exceed three (3) years.
- B. The person(s) designated by the Mayor to represent the City are hereby authorized to conduct all negotiations. Persons so designated shall not be elected government officials.
- C. The Mayor shall meet with the Common Council prior to negotiations to gain suggestions from the members of Council as to items to be considered at the bargaining table. The Mayor shall inform the Common Council at regular intervals of the progress of negotiations.

SECTION 7. IMPASSE. In the event that the Bargaining Unit and the City are unable, within thirty (30) days from an

including the date of the first meeting, to reach an agreement on a contract, any and all unresolved issues shall be submitted to mediation and if need be arbitration, unless an extension is agreed upon by the parties in writing. If the selection of a mediator cannot be agreed upon mutually, the Federal Mediation and Conciliation Service shall provide a mediator upon the request of either the City or the exclusive representative. If the Bargaining Unit's representatives and the City, with the assistance of a mediator, are unable within twenty-five (25) days after the date of the first meeting with the mediator to reach an agreement on a contract, any unresolved issues must be submitted to arbitration.

SECTION 8. ARBITRATION.

- A. Within ten (10) days from the expiration date of the twenty-five (25) day period referred to in Section 7 thereof, the bargaining unit and the City shall begin the process of selecting one arbitrator from a list of seven (7) arbitrators (list with resumes of arbitrators will be provided by Federal Mediation and Conciliation Service) by alternately eliminating names until one arbitrator's name remains. Elimination procedure will be determined by drawing of lots and selection must be completed within ten (10) days from receipt of list from Federal Mediation and Conciliation Service. The arbitrator so selected shall be deemed the arbitrator.

- B. The arbitrator shall call a hearing to be held within ten (10) days after the date of his selection. The hearing shall be informal, and the rules of evidence prevailing in judicial proceedings shall not be applicable. Any and all documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator shall have the power to administer oaths to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues presented to him for determination.
- C. The hearing conducted by the arbitrator shall be concluded within twenty (20) days from the time of commencement, and within the (10) days after the conclusion of the hearings the arbitrator shall make written findings and conclusions upon the issues presented, a copy of which shall be mailed or otherwise delivered to the bargaining unit and the City. The arbitrator's decisions(s) shall be considered nonbinding, unless the bargaining unit and the City agree prior to arbitration that the

decisions(s) in certain areas shall be binding upon both parties. However, decisions in regard to annual pay and monetary fringe benefits and hours of employment shall not be binding on the City Council and shall be subject to approval by the Common Council in accordance with statutory authority granted by I.C. 36-4-7-3.

- D. The arbitrator shall conduct the hearings and render his decision upon the basis of a prompt, peaceful and just settlement of all disputes and issues between the bargaining unit and the City with respect to factors. The matters, among others, to be given weight by the arbitrator in arriving at a decision shall include:
  - (1) Comparison of factors in respect to City Departments with similar and like factors prevailing not only the local area; but prevailing in other Second Class cities in Indiana; as well as other cities with a population range of Second Class cities, as defined in I.C. 34-4-1-1, which are located within the Great Lakes area.
  - (2) The interest and welfare of the public.
  - (3) Comparison of peculiarities of employment in regard to other trades or professions, in particular:
    - (a) Hazards of employment
    - (b) Physical qualifications
    - (c) Educational qualifications
    - (d) Mental qualifications
    - (e) Job training and skills
  - (4) Such other matters as the arbitrator may deem pertinent or relevant.
- E. Reasonable fees and necessary expenses of mediation and arbitration shall be borne equally by the bargaining unit and the city.

SECTION 9. PRIOR AGREEMENTS. Any agreements negotiated between the bargaining unit and the City either before, or within (30) days after arbitration shall constitute the collective bargaining contract with respect to the City employees and the City for the period stated therein; PROVIDED, HOWEVER, that such period shall not exceed three (3) years.

SECTION 10. NOTICE PROVISION. Whenever the factors, as herein defined, or any other matters requiring the appropriation of money by the City are included as matters of collective bargaining conducted under the provisions of this Ordinance, it shall be the obligation of the bargaining unit to serve written notice of request for collective bargaining in respect to factors on the City at least One Hundred Twenty (120) days before the last day on which money can be appropriated by the City to cover the contract period which is the subject of the collective bargaining procedure.

SECTION 11. SEVERABILITY PROVISION. If any provision of this Ordinance, or application thereof to any person or circumstances, is held unconstitutional or otherwise invalid, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Stier, seconded by Bradbury, and duly adopted, placed on its passage. LOST by the following vote:

AYES: Five  
Bradbury, Burns, Henry, Schmidt, Talarico  
NAYS: Three  
Eisbart, GiaQuinta, Stier  
ABSTAINED: None  
ABSENT: One  
Redd

DATE: 3-11-86 Nadejda Eshcoff  
Deputy Clerk

MAYOR MOSES VETO WAS UPHELD DUE TO THE LACK OF A 2/3 VOTE BY THE COMMON COUNCIL. MARCH 25, 1986.

BILL NO. G-86-01-28

GENERAL ORDINANCE NO. G-10-86

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a portion of public  
right-of-way

WHEREAS, a petition to vacate a portion of public alley within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereon; and,

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a portion of public alley within the City of Fort Wayne, more specifically described as follows, to-wit:

Part of an alley extending Northeasterly from Wayne Trace and approximately 133 feet, more or less, Northwest of Roy Street, more particularly described as follows:



Beginning at a point on the Northeast right-of-way of Wayne Trace said point being located 145 feet Northwest of the Northwest right-of-way of Roy Street with its intersection with Wayne Trace; thence Northeast along and parallel to the Southeast line of Lot #3 in Didrick's Addition a distance of 190 feet to the Southeast corner of said Lot #3; thence southeast and parallel to the Northeast line of said Lot #3 a distance of 12 feet to a point located on the Northwest line of Lot #8 in said addition thence southwest along and parallel to the Northwest lot lines of Lots 4, 5, 6, 7 and 8 in said addition a distance of 190 feet to its intersection with the Northeast

right-of-way of Wayne Trace; thence Northwest along the Northeast right-of-way of Wayne Trace a distance of 12 feet to the point of beginning, containing 0.083 acres, more or less.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 2-25-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance NO. G-10-86 on the 25th day of February, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of February, 1986, at the hour of 2:30 o'clock P.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 3rd day of March, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## SPECIAL ORDINANCE NO. S-43-86

ORDINANCE AUTHORIZING THE CITY OF  
FORT WAYNE, TO ISSUE ITS "ECONOMIC  
DEVELOPMENT REVENUE BOND, SERIES 1986  
(MARK P. SHAMBAUGH PROJECT) AND  
APPROVING OTHER ACTIONS IN  
RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Mark P. Shambaugh Project regarding the financing of proposed economic development facilities for the Project and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on March 6, 1986, and also adopted a resolution on March 6, 1986, and also adopted a resolution on March 6, 1986, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Mark P. Shambaugh complies with the provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Trust Indenture, Loan Agreement, Mortgage and Security Agreement, Guaranty Agreement, and Lease; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bonds, the loan of the proceeds of the revenue bonds to Mark P. Shambaugh for the acquisition and construction of such facilities and the equipping thereof, and the payment of the revenue bond by the payments of Mark P. Shambaugh and Shambaugh & Son, Inc., Lessee, under the Loan Agreement and Lease, complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of acquisition of real estate and construction of a new warehouse/fabrication/office facility for lease to Shambaugh &

Son, Inc., to be located at the northwest corner of Cook Road and vacated Conrail railroad immediately north of Smith Field, Fort Wayne, Indiana (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Trust Indenture, Loan Agreement, Mortgage and Security Agreement, Guaranty Agreement and Lease, approved by the Fort Wayne Economic Development Commission are hereby approved and each shall be incorporated herein by reference and shall in inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of each said documents are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne shall issue its Economic Development Revenue Bond Series 1986 (Mark P. Shambaugh Project) in the total principal amount of Three Million One Hundred Thousand Dollars (\$3,100,000.00) and Maturing March 1, 2001. Said bonds are to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the loan Agreement, Mortgage and Security Agreement and Trust Indenture incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the payments made by Mark P. Shambaugh as provided for under the Loan Agreement, Mortgage and Security Agreement and Trust Indenture and as provided for in the Lease. The bonds shall be issued in fully registered form in the initial denomination of \$3,100,000.00 and shall be transferable and issuable in other denominations as provided for in the Trust Indenture. The bonds shall be redeemable as provided in Article V of the Trust Indenture. Final payment of this bond is payable at the Office of the Trustee or its successor in trust. All other payments are payable by check or draft mailed or delivered to the registered owner as provided in the Trust Indenture. The bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor are the bonds payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bonds to the purchasers thereof at a price of not less than 100% of the principal amount thereof. The bonds shall bear interest at a rate of 75% of the Reference Rate of Fort Wayne National Bank as in effect on the Issue Date and as in effect on each March 1, June 1, September 1, and December 1 thereafter, subject to the occurrences of events which would cause the rate to change, which occurrences are provided for in the Trust Indenture.

SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to these documents to be executed by the City which are approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents to be executed by the City which are approved herein which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said documents to be executed by the City are in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof and the affixing of the seal thereto or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bonds as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bonds may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bonds to the Trustee named in that Trust Indenture, and payment for the bonds will be made to the Trustee named in the Trust Indenture and after such payment the bonds will be delivered by the Trustee to the purchasers thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bonds to the Trustee within ninety days of the adoption of this ordinance. The bonds shall be dated the date of authentication thereof.

SECTION 8. The provisions of this Ordinance and the Trust Indenture securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond, Series 1986 (Mark P. Shambaugh Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-43-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-04

SPECIAL ORDINANCE NO. S-44-86

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$8,000,000.00 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING NEIGHBORHOOD PUBLIC IMPROVEMENT (MUNICIPAL BONDS OF 1986); REQUIRING THE CITY TO COMPLY WITH PROVISIONS OF PENDING FEDERAL TAX LEGISLATION IF NECESSARY; PROVIDING FOR THE DESIGNATION OF A BOND REGISTRAR, TRANSFER AGENT AND PAYING AGENT; AND APPROVING AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Fort Wayne, Indiana is a municipal corporation and political subdivision of the State of Indiana, and by virtue of the laws of the State of Indiana, including Indiana Code, Title 36, Article 4, Chapter 6, Section 19 is authorized and empowered to make loans of money for any proper governmental purpose and to provide for the repayment of said loans by the issuance of General Obligation bonds, subject to the provisions of Indiana law, including I.C. 6-1.1-20-3; and

WHEREAS, prior to the issuance of bonds payable by taxation, a petition for the issuance of bonds must be filed with this Common Council as provided for in I.C. 6-1.1-20-3; and

WHEREAS, this Common Council has been advised that a petition requesting this Common Council to authorize the issuance of the City of Fort Wayne, Indiana Municipal Bonds of 1986 in an amount not to exceed \$8,000,000.00 has been filed with this Common Council, which petition requests that said bonds be issued and the proceeds of said bonds by applied on the cost of construction, reconstruction and repair of certain streets, thoroughfares, and sidewalks in said City, installation of street lights, and for such other public improvements as determined by the Board of Public Works and Safety of the City of Fort Wayne, Indiana, together with all expenses necessarily incurred in connection with the issuance of said bonds; and

WHEREAS, this Common Council has considered and determined the necessity for the issuance of \$8,000,000.00 of General Obligation Bonds of the City of Fort Wayne, Indiana;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

SECTION 1. It is hereby determined that it is necessary to issue General Obligation bonds of the City of Fort Wayne, Indiana, in the aggregate principal amount of \$8,000,000.00 for the purpose of providing funds to be applied

on the cost of construction, reconstruction and repair of certain streets, thoroughfares, and sidewalks in said city, installation of street lights, and for such other public improvements as determined by the Board of Public Works and Safety of the City of Fort Wayne, Indiana and Resolutions to be adopted by the Board of Public Works and Safety, and for payment of all expenses necessarily incurred in connection with said proceedings.

SECTION 2. The City of Fort Wayne, Indiana shall issue its General Obligation bonds in the aggregate principal amount of \$8,000,000.00, said bonds to be designated City of Fort Wayne, Indiana Municipal Bonds of 1986. Said bonds shall be issued in denominations of \$5,000.00 each, shall be numbered from 1 to 1,600 both inclusive, shall be dated as of the first day of the month in which the bonds are sold, and shall bear interest at a rate or rates not exceeding ten (10) percent per annum, the exact rate or rates to be determined by the public sale of said bonds as authorized and directed by law, payable semi-annually on January 1 and July 1 of each year, beginning July 1, 1987. Said bonds shall mature on January 1 of each year as follows:

<u>DATE</u>	<u>AMOUNT</u>
1988	600,000
1989	600,000
1990	650,000
1991	700,000
1992	750,000
1993	800,000
1994	800,000
1995	900,000
1996	1,000,000
1997	1,200,000

Bonds maturing on January 1, 1995 and thereafter are redeemable at the election of the City on July 1, 1994 or on any interest payment date thereafter, subject to a redemption premium of three (3) percent.

The bonds and interest thereon shall be payable in lawful money of the United States of America by the City's Bond Registrar, Transfer Agent and Paying Agent in Fort Wayne, Indiana.

SECTION 3. The said bonds shall be executed by the facsimile signature of the Mayor and attested by the facsimile signature of the City Controller and the Clerk who shall affix the Seal of the City thereto. The Bond Registrar shall manually validate each bond with the signature of its designated authorized representative.

SECTION 4. The Mayor is hereby authorized to designate a Bond Registrar, Transfer Agent and Paying Agent for the bonds and is further authorized to enter into an agreement

with said Bond Registrar, Transfer Agent and Paying Agent, as is customary in the industry, said agreement to be subject to the approval of the City Attorney.

SECTION 5. Said bonds shall be advertised for public sale and sold in the manner provided by law, said sale to be held as soon as practicable after all approvals are obtained. The proceeds from the sale of said bonds, except the premium or accrued interest received, shall be paid into the proper fund and used for the purpose aforesaid and for no other purposes. The premium and accrued interest, if any, shall be applied to the payment of the principal of and interest on said bonds in the manner provided by law.

SECTION 6. Said bonds shall be the full general obligations of the City of Fort Wayne, Indiana, and the full faith, credit and revenue of the city are hereby pledged for the prompt payment of the same. During the period said bonds are to run, there shall be and is hereby levied on all the taxable property in the city, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on said bonds when and as the same fall due.

Said tax shall be and is hereby ordered levied and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which, together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said bonds when and as the same full due, all as provided by law.

SECTION 7. The proper officers of the City are hereby instructed to post and publish such notice of the determination to issue bonds and notice of the petition as provided for in Indiana Code I.C. 6-1.1-20.

SECTION 8. The proper officers of the City are hereby instructed to petition the State Board of Tax Commissioners for approval of the bond issue authorized herein in the manner provided for by law.

SECTION 9. This Common Council, for and on behalf of the City of Fort Wayne, Indiana, hereby covenants that it will restrict the use of the proceeds of the bonds hereby authorized in such manner and to such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the bonds are issued, so that they will not constitute "arbitrage bonds" under Section 103 of the Internal Revenue Code and the regulations prescribed thereunder. Further, this Common Council is aware of a Bill pending in the

Congress of the United States of America designated House Bill 3838, which bill, if enacted by Congress would place further restrictions on the issuance of the bonds authorized herein. This Common Council hereby authorizes the Mayor, the Controller, or such other proper officer of the City to take all action necessary to assure compliance with House Bill 3838 so that the bonds issued herein will not constitute "arbitrage bonds" or will not lose their tax exempt status. The Mayor or Controller or the proper officer having responsibility with respect to the issuance of said bonds is authorized and directed to give an appropriate certificate on behalf of the City on the date of delivery of said bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds of said bonds and their compliance with the provisions of Section 103 of the Internal Revenue Code and regulations prescribed thereunder.

SECTION 10. It is hereby found and determined that all formal actions of this Common Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this council and any of its committees, which meetings were held in compliance with all legal requirements including Section 5-14-1.5-1 et seq. of the Indiana Code.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico  
NAYS: One  
Schmidt  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-44-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-03-14

#### DECLARATORY RESOLUTION NO. R-24-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4301 Engle Road, Fort Wayne, Indiana (Crown Coatings Corporation, Petitioner)

WHEREAS, Petitioner has duly filed its petition dated March 3, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Block 1, Engle Ridge Industrial  
Park, Section A, except the North  
ten (10) feet;

said property more commonly known as 4301 Engle Road, Fort Wayne, Indiana 46804;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.



SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of both real estate and personal property for new manufacturing equipment.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy

City Clerk



Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-24-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-03-16

# DECLARATORY RESOLUTION NO. R-25-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as the corner of Hayden Street and Clay Street, Fort Wayne, Indiana. (William E. Brown, Petitioner)

WHEREAS, Petitioner has duly filed its petition dated March 12, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-2.1, to-wit:

Part of Lots 121, 122, 123 and 124 in Lewis Addition to the City of Fort Wayne, Indiana; together with a portion of the vacated Clay Street and Pittsburgh Street; more particularly described as follows: Beginning at the intersection of the West right-of-way line of Clay Street and the South right-of-way line of Hayden Street; thence Easterly, on said South line, a distance of 270 feet to the Northeast corner of said Lot 121; thence Southerly, on the East line of said Lot 121 extended through said vacated Pittsburgh Street, to a point located 20 feet North of the centerline of the Pittsburgh, Fort Wayne and Chicago Railway Company track No. 241; thence Northwesterly on a curve to the right, concentrically 20 feet to said track No. 241, a distance of 327.7 feet to the point of beginning;

said property more commonly known as the corner of Hayden Street and Clay Street, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage.

PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: One  
GiaQuinta  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-25-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-03-05

## GENERAL ORDINANCE NO. G-12-86

AN ORDINANCE amending Chapter 17 of  
the Municipal Code of the City of  
Fort Wayne, Indiana of 1974,  
entitled "Traffic Code"

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following Schedules and Sections  
of Chapter 17 of the Municipal Code of the City of Fort Wayne,  
Indiana of 1974, are hereby amended as follows:

A. Schedule 1A, Section 21 (b), as referred to  
"Authorization of Traffic Signals", by deleting the following:

TRAFFIC SIGNALLOCATION

St. Joseph Boulevard and East State Boulevard

B. Schedule 2, Section 39, "Increasing State Speed  
Limits in Certain Zones", by adding thereto the following:

SPEED LIMIT 35LOCATIONFROMTO

South Coliseum Boulevard

300 feet north of  
Reynolds Street

New Haven  
Avenue

C. Schedule 3, Section 46, "One Way Streets and  
Alleys", by adding thereto the following:

ONE WAY STREETSSTREETDIRECTIONFROMTO

Manito Boulevard

E/B

Brooklyn Ave.

Wawonaissa  
Trail

D. Schedule 3, Section 46, "One Way Streets and  
Alleys", by adding to sub-paragraph (b) "Alleys" thereto the  
following:

ONE WAY ALLEYALLEYDIRECTIONFROMTO

The first alley  
east of Barr Street

S/B

Berry Street

to the  
alley  
south  
thereof

E. Schedule 4, Section 48, "Through Streets", by  
adding the following:

THROUGH STREETSSTREETFROMTO

Getz Road

Illinois Road

West Jefferson Boulevard  
except at Illinois Road  
Covington Road and West  
Jefferson Boulevard

Reckeweg Road

Illinois Road

West Jefferson Boulevard

Speedway Drive

Coliseum Boule-  
vard

Ley Road except at  
Coliseum Boulevard and  
Ley Road

F. Schedule 5, Section 49, "Intersections Where Stop  
Required", by adding thereto the following:

STOP INTERSECTIONLOCATION

Kentland Avenue--stop--for Lousiedale Drive  
 Kentland Avenue--stop--for Trick Avenue  
 Vermont Avenue--stop--for Pemberton Drive  
 Papermill Crossing--stop--for Inland Trail  
 Delaware Avenue--stop--for Alabama Avenue  
 Humphrey Street--stop--for Grant Street  
 Huron Street--stop--for Center Street  
 Calumet Avenue--stop--for Sherwood Terrace  
 Forest Avenue--stop--Kentucky Avenue  
 Harrison Street--stop--for Belmont Street

G. Schedule 7, Section 90, "Parking Prohibited At All Times on Certain Streets", by deleting the following:

DELETENO PARKING

<u>LOCATION</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Berry Street	S/S	Barr Street	220 feet east of Clinton Street

H. Schedule 8, Section 90, "Parking Prohibited During Certain Hours on Certain Streets", by adding the following:

NO PARKING 8 A.M. TO 9 A.M. AND 3 P.M. TO 4 P.M.

<u>LOCATION</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Lynn Avenue	B/S	Kensington Avenue	Woodward Avenue

I. Schedule 10, Section 93 (A), "Parking Time Limited On Certain Streets" - One Hour Parking 8 A.M. to 6 P.M. by adding thereto the following:

ONE HOUR PARKING 8 A.M. TO 6 P.M.

<u>LOCATION</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Berry Street	S/S	Barr Street	220 feet east of Clinton Street

J. Schedule 12, Section 93(c), "Parking Time Limited On Certain Streets" - Two Hour Parking 8 A.M. to 6 P.M. by adding the following:

TWO HOUR PARKING 8 A.M. TO 6 P.M.

<u>LOCATION</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
Berry Street	S/S	Barr Street	130 feet east thereof

K. Schedule 27, Section 5 (a), "Impaired Mobility Parking Commercial", by adding thereto the following:

IMPAIRED MOBILITY PARKING (COMMERCIAL)

<u>LOCATION</u>	<u>FROM</u>
Villa Capri Apartments 1923 Fox Point Trail	520 feet east of the east edge line of Anthony Blvd. and 170 feet north of the north edge line of Fox Point Trail

LOCATIONFROM

Oakbrook Shopping Center 480 feet east of the east edge  
1850 Bluffton Road line of Brooklyn Avenue and 400  
feet north of the north edge line  
of Bluffton Road

L. Schedule 28, Section 5 (b), "Impaired Mobility  
Parking REsidential", by adding thereto the following:

IMPAIRED MOBILITY PARKING (RESIDENTIAL)

<u>LOCATION</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>
1640 Andrew Street	E/S	30 feet north of Spring Street	20 feet north thereof
934 Grace	N/S	170 feet west of Miner St.	20 feet west thereof
2010 Fox Ave.	W/S	80 feet south of Taylor St.	20 feet south thereof

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Redd, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-12-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-06

SPECIAL ORDINANCE NO. S-45-86

AN ORDINANCE approving City Utilities Purchase Order #A-52801, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the IBM Corporation, for the Water Pollution Control Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52801, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the IBM Corporation, for the Water Pollution Control Plant, respectfully for:

the purchase of computer equipment  
for the Water Pollution Control  
Plant per the specifications in  
Reference #2704:

involving a total cost of Twenty-One Thousand Ninety-Eight and No/100 Dollars (\$21,098.00), all as more particularly set forth in said Purchase Order and Reference #2704, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-45-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-07

SPECIAL ORDINANCE NO. S-46-86

AN ORDINANCE approving the Contract for Res. #898-85, Doenges Drive Sanitary Sewer, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and All Star Construction & Excavating, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed Contract for Res. #898-85, Doenges Drive Sanitary Sewer, between the City of Fort Wayne, by and through its Board of Public Works and Safety, and All Star Construction & Excavating, Inc., for:

the elimination of pollution with the immediate area as described: Beginning at the Southeast corner of Lot #6 in Selma E. & Fred W. Davids Fourth Addn. & the Northern right-of-way of Doenges Drive; thence West along said Northern right-of-way to the East 1/2 line of the Northeast 1/4 of Sec. 29, Twnsp. 31, Range 13 E. 1/2 line to the Southern right-of-way of Stellhorn Road (SR#37); thence E. along said right-of-way to the NE corner of Lot #3 located in Selma E. & Fred W. Davids First Addn.; thence S. along said E. line of Lot #3 to the Southern boundary of said First Addn.; thence E. along said Southern boundary to the NE corner of Lot 36 in Selma E. & Fred W. Davids 4th Addn.; thence S. along the E. line of Lot #6 to the Northern right-of-way of Doenges Drive;

involving a total cost of Thirteen Thousand Two Hundred Eighty-Five and No/100 Dollars (\$13,285.00), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and Safety and is, by reference, incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 3-25-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-46-86 on the 25th day of March, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-08

SPECIAL ORDINANCE NO. S-47-86

AN ORDINANCE approving the Contract for Res. #416-85 - Paulding Road - Old Decatur Road Storm Sewer Point Repairs, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Land Excavating, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed Contract, made a part hereof, by the City of Fort Wayne, by and through its Board of Public Works and Safety and Land Excavating, Inc., for Res. #416-85 - Paulding Road - Old Decatur Road Storm Sewer Point Repairs, is hereby ratified, affirmed and approved in all respects. The work under said Contract requires:

the elimination of pollution within the immediate area as described: Beginning at an existing storm sewer manhole located 80 ± LF South of and 10 ± LF West of the centerline intersection of Paulding and Decatur Roads; thence Northeasterly a distance of 70 ± LF to an existing manhole located 20 ± LF East of said centerline intersection; thence East a distance of 170 ± LF terminating at an existing manhole located 20 ± LF South of and 190 ± LF East of said centerline intersection;

Said Storm Sewer line shall be 42" in diameter;

the Contract price is Thirty-Eight Thousand Five Hundred Sixty and No/100 Dollars (\$38,560.00).

SECTION 2. Prior Approval was received from Common Council with respect to this Contract on February 25, 1986. Two (2) copies of the Contract, attached hereto, are on file with the Office of the City Clerk and made available for public inspection according to law.



SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-47-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-09

SPECIAL ORDINANCE NO. S-48-86

AN ORDINANCE approving City Utilities Purchase Order #A-52896, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Data Processing Department with Compusystems, Inc., for various departments through the City of Fort Wayne

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52896, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the Data Processing Department with Compusystems, Inc., for various departments throughout the City, for:

the purchase of computer equipment and peripherals for the Data Processing Department per the specifications in Reference #2757, for various departments throughout the City;

involving a total cost of One Hundred Fifty-Two Thousand Thirty and No/100 Dollars (\$152,030.00), all as more particularly set forth in said Purchase Order and Reference #2757, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed, and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 3-25-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-48-86 on the 25th day of March, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. X-84-12-21 (AS AMENDED)

ANNEXATION ORDINANCE NO. X-01-86

AN ORDINANCE annexing certain territory commonly known as the Edgewood Industrial Annexation Area to the City of Fort Wayne, Indiana and including same in Councilmanic District No. 3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Southwest Quarter of Section 16, Township 31 North Range 12 East; part of the Northwest Quarter of Section 16, Township 31 North, Range 12 East; part of the Northwest Quarter of Section 21, Township 31 North, Range 12 East; part of the Southeast Quarter of Section 17, Township 31, North, Range 12 East; part of the Southwest Quarter of Section 17, Township 31 North, Range 12 East; and part of the Northeast Quarter of Section 20, Township 31 North, Range 12 East.

Beginning at the intersection of the West line of the Northeast Quarter of Section 21, Township 31 North, Range 12 East, and the South right-of-way line of Washington Center Road also being the present City limits; thence west along the South right-of-way line of Washington Center Road to the East right-of-way line of Huguenard Road; thence

South along the East right-of-way line of Huguenard Road, also being the present City limits, to the Easterly right-of-way line of Goshen Road; thence Northwesterly along the Easterly right-of-way line of Goshen Road to the intersection of the North line of the South half of Section 17, Township 31 North, Range 12 East; thence East along the North line of the South half of said section to the intersection of the West right-of-way line of Huguenard Road; thence North along the West right-of-way line of said road 25 feet; thence East along a line projected from the North right-of-way line of Ludwig Road to the East right-of-way line of Huguenard Road; thence East along the North right-of-way line of Ludwig Road to the East right-of-way line

of Chalfant Road; thence South 50 feet along a line projected from the East right-of-way line of Chalfant Road to the South right-of-way line of Ludwig Road; thence West along the South right-of-way line of Ludwig Road also being the present City limits, to the West line of the Southeast Quarter of Section 16, Township 31 North, Range 12 East; thence South along the said West line, said line also being the present City limits, to the point of beginning; said area contains 392 acres more or less.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 3 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect on December 31, 1988.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-01-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-84-12-22

RESOLUTION NO. R-21-86

RESOLUTION of the Common Council  
of the City Fort Wayne, Indiana  
setting forth the policy of the City  
of Fort Wayne, Indiana in regards to  
the annexation of the  
Edgewood Industrial Annexation Area

WHEREAS, the annexation of territory to the City of Fort Wayne is a legislative function; and,

WHEREAS, the Common Council of the City of Fort Wayne is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and,

WHEREAS, the Common Council of the Fort Wayne has before it an Ordinance for the annexation of the Edgewood Industrial Annexation Area, more specifically described as follows, to wit:

Part of the Southwest Quarter of Section 16, Township 31 North, Range 12 East; part of the Northwest Quarter of Section 16, Township 31 North, Range 12 East; part of the Northwest Quarter of Section 21, Township 31 North, Range 12 East; part of the Southeast Quarter of Section 17, Township 31 North, Range 12 East; part of the Southwest Quarter of Section 17, Township 31 North, Range 12 East; and part of the Northeast Quarter of Section 20, Township 31 North, Range 12 East.

Beginning at the intersection of the West line of the Northeast Quarter of Section 21, Township 31 North, Range 12 East, and the South right-of-way line of Washington Center Road also being the present City limits; thence west along the South right-of-way line of Washington Center Road to the East right-of-way line of Huguenard Road; thence South along the East right-of-way line of Huguenard Road, also being the present City limits, to the Easterly right-of-way line of Goshen Road thence Northwesterly along the Easterly right-of-way line of Goshen Road to the intersection of the North line of the South half of Section 17, Township 31 North, Range 12 East; thence East along the North line of the South half of said section to the

intersection of the West right-of-way line of Huguenard Road; thence North along the West right-of-way line of said road 25 feet; thence East along a line projected from the North right-of-way line of Ludwig Road to the East right-of-way line of Huguenard Road; thence East along the North right-of-way line of Ludwig Road to the East right-of-way line of Chalfant Road; thence South 50 feet along a line projected from the East right-of-way line of Chalfant Road to the South right-of-way line of Ludwig Road; thence West along the South right-of-way line of Ludwig Road, also being the present City limits, to the West line of the Southeast Quarter of Section 16, Township 31 North, Range 12 East; thence South along the said West line, said line also being the present City limits, to the point of beginning; said area contains 392 acres more or less.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Edgewood Industrial Annexation, it is the policy of the City of Fort Wayne to follow the provisions of Section 1.1 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, with regards to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City of Fort Wayne to follow the annexation fiscal plan for said described territory, as prepared by the Department of Community Development and Planning, which is attached hereto and incorporated herein.

SECTION 3. The said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. That said plan is hereby approved and adopted by the Common Council of the City of Fort Wayne, Indiana and shall be in full force and effect upon the effective date of the Edgewood Industrial Annexation Ordinance.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-21-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

ANNEXATION ORDINANCE NO. X-02-86

ANNEXATION ORDINANCE annexing certain territory commonly known as the Trier Ridge Park Annexation Area to the City of Fort Wayne, Indiana, and including same in the Councilmanic District No. 6

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the South half of Sections 29 and 30, Township 30 North, Range 13 East and part of the North half of Sections 31 and 32, Township 30 North, Range 13 East, Allen County, Indiana more particularly described as follows:

Beginning at the intersection of the North right-of-way line of Tillman Road and the East line of the Southwest Quarter of Section 29, Township 30 North, Range 13 East; thence South along said East line to the Southeast corner of said Quarter Section; thence South along the East line of the Northwest Quarter of Section 32, Township 30 North, Range 13 East, to the South line of said Northwest Quarter Section; thence West along the said South line to the South line of the Northeast Quarter of Section 31, Township 30 North, Range 13 East; thence West along the South line of the Northeast Quarter of Section 31, Township 30 North, Range 13 East, to the West line of said Northeast Quarter; thence North along the West line of the Northeast Quarter of Section 31, Township 30 North, Range 13 East, to the intersection of said West line and the South line of Section 30, Township 30 North, Range 13 East; thence North along the West line of the Southeast Quarter of Section 30, Township 30 North, Range 13 East, to its intersection with the North right-of-way line of Tillman Road; thence East along the North right-of-way of Tillman Road to the point of beginning; area containing 331 acres more or less.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures, planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community Development and Planning. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 6 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That after its passage, approval by the Mayor, and due legal publication, this Ordinance shall be in full force and effect. The above described territory shall become a part of the City of Fort Wayne on December 31, 1987 or 60 days after due legal publication, whichever is later.

Janet G. Bradbury  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-02-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-85-11-26

RESOLUTION NO. R-22-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana setting forth the policy of the City of Fort Wayne, Indiana in regards to the annexation of the Trier Ridge Park Annexation Area

WHEREAS, the annexation of territory to the City of Fort Wayne is a legislative function; and

WHEREAS, the Common Council of the City of Fort Wayne is called upon the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and,

WHEREAS, the Common Council of the City of Fort Wayne has before it an Ordinance for the annexation of the Trier Ridge Park Annexation Area, more specifically described as follows, to-wit:

Part of the South half of Sections 29 and 30, Township 30 North, Range 12 East and part of the North half of Sections 31 and 32, Township 30 North, Range 13 East, Allen County, Indiana more particularly described as follows:

Beginning at the intersection of the North right-of-way line of Tillman Road and the East line of the Southwest Quarter of Section 29, Township 30 North, Range 13 East; thence South along said East line to the Southeast corner of said Quarter Section; thence South along the East line of the Northwest Quarter of Section 32 Township 30 North, Range 13 East, to the South line of said Northwest Quarter Section; thence West along the said South line to the South line of the Northeast Quarter of Section 31, Township 30 North, Range 13 East; thence West along the South line of the Northeast Quarter of Section 31, Township 30 North, Range 13 East, to the West line of said Northeast Quarter; thence North along the West line of the Northeast Quarter of Section 31, Township 30 North, Range 13 East, to the intersection of said West line and the South line of Section 30, Township 30 North, Range 13 East; thence North along the West line of the Southeast Quarter of Section 30, Township 30 North, Range 13 East,

to its intersection with the North right-of-way line of Tillman Road; thence East along the North right-of-way of Tillman Road to the point of beginning; area containing 331 acres more or less.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Trier Ridge Park Annexation, it is the policy of the City of Fort Wayne to follow the provisions of Section 1.1 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, with regards to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City of Fort Wayne to follow the annexation fiscal plan for said described territory, as prepared by the Division of Community Development and Planning, which is attached hereto and incorporated herein.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided with three (3) years of annexation, and the plan for hiring employees of other governmental entities, if any, whose jobs will be eliminated by this annexation.

SECTION 4. That said plan is hereby approved and adopted by the Common Council of the City of Fort Wayne, Indiana and shall be in full force and effect upon the effective date of the Trier Ridge Park Annexation Ordinance.

Janet G. Bradbury  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-22-86 on the 25th day of



March, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-02-26

RESOLUTION NO. R-23-86

A RESOLUTION approving Fort Wayne  
Redevelopment Commission's Resolution  
86-3, Amendment No. 4 to the  
Civic Center Renewal Project

WHEREAS, the Fort Wayne Redevelopment Commission adopted its Resolution No. 86-3 entitled "Declaratory Resolution Amendment No. Four To Civic Renewal Project" on January 28, 1986, which Resolution is attached hereto as Exhibit "A"; and

WHEREAS, said Resolution was adopted based upon an Urban Renewal Plan which was amended and approved by the Fort Wayne Redevelopment Commission on January 28, 1986, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the Fort Wayne Plan Commission has reviewed said Resolution and Plan and approved same; and

WHEREAS, I.C. 36-7-14-16 requires approval of said Resolution by this Common Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Fort Wayne Redevelopment Commission Resolution No. 86-3, adopted by Fort Wayne Redevelopment Commission on January 28, 1986, and approved by the Fort Wayne Plan Commission, copy of which is attached hereto as Exhibit "A", together with the Urban Renewal Plan approved January 28, 1986 by the Fort Wayne Redevelopment Commission which is attached hereto as Exhibit "B", are hereby ratified, confirmed and approved.

SECTION 2. That two copies of Redevelopment Commission Resolution No. 86-3 are on file in the office of the Fort Wayne Redevelopment Commission and available for public inspection according to law.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Stier, seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Five  
Eisbart, GiaQuinta, Henry, Redd, Talarico

NAYS: Four  
 Bradbury, Burns, Schmidt, Stier  
 ABSTAINED: None  
 ABSENT: None

DATE: 3-25-86 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-23-86 on the 25th day of March, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of March, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 27th day of March, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-86-03-10

SPECIAL ORDINANCE NO. S-49-86

AN ORDINANCE approving Bid Reference #1243, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Board of Park Commissioners, with Brayton Chemical and Turf Specialties Corporation, respectively, for the Department of Parks and Recreation

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Bid Reference #1243, by the City of Fort Wayne, by and through its Department of Purchasing and the Board of Park Commissioners, with Brayton Chemical and Turf Specialties, respectively, for the Department of Parks and Recreation, respectfully for:

the purchase of golf course and parks fertilizer and chemicals through the Board of Park Commissioners, per specifications;

involving a total cost of Thirty-Nine Thousand Three Hundred Forty Eight and 33/100 (\$39,348.33), (Brayton Chemical, \$8,530.83; Turf Specialties Corporation, \$30,817.50 all as more particularly set forth in said Bid Reference #1243, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
 Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
 Bradbury, Burns, Eisbart, Henry, Redd,  
 Schmidt, Stier, Talarico

NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 GiaQuinta

DATE: 4-8-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-49-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City ClerkSamuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-11

SPECIAL ORDINANCE NO. S-50-86

AN ORDINANCE approving Civil City Purchase Order #A-46852, with Langham's Silkscreening Company, for the Fort Wayne Fire Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-46852, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with Langham's Silkscreening Company, for the Fort Wayne Fire Department, respectfully for:

the purchase of T-shirts, Polo shirts and sweat shirts for the Fort Wayne Fire Department per the specifications in Reference #2248;

involving a total cost of Eight Thousand Three Hundred Eighty-Nine and 38/100 Dollars (\$8,389.38), all as more particularly set forth in said Purchase Order and Reference #2248, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One

GiaQuinta

DATE: 4-8-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-50-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-03-13

# RESOLUTION NO. R-26-86

A RESOLUTION authorizing the transfer of insurance indemnities received for damage to City property to an expense account within the 1986 budget of the Traffic Engineering Department for the purpose of repairing traffic control equipment

WHEREAS, various items of City property have been damaged by certain parties; and

WHEREAS, insurance companies have reimbursed the City of Fort Wayne for such damages and such reimbursements have been received and receipted by the City Controller into the General Fund, Account 010, of the City of Fort Wayne; and

WHEREAS, the Traffic Engineering Department has repaired or replaced such damaged items; and

WHEREAS, I.C. 6-1.1-18-7 provides that such insurance claim proceeds may be used to repair such items of damaged City property and the City Controller recommends that this insurance proceeds be used to repair the items damaged.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to transfer the following sum of insurance claim proceeds from the General Fund, Account 010, to the following account within the 1986 budget of the Traffic Engineering Department;

4299 Other Materials & Supplies \$19,876.34

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None

ABSTAINED:None  
 ABSENT: One  
 GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-26-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. R-86-03-15

# DECLARATORY RESOLUTION NO. R-27-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4301 Engle Road, Fort Wayne, Indiana. (Crown Coatings Corporation, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Block 1, Engle Ridge Industrial Park, Section A, except the North ten (10) feet;

said property more commonly known as 4301 Engle Road, Fort Wayne, Indiana 46804;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3.1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for a one (1) year period. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall

only apply to a deduction of the assessed value of both real estate and personal property for new manufacturing equipment.

SECTION 4. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3(b), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-27-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-03-17

DECLARATORY RESOLUTION NO. R-28-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6.1.1-12.1 for property commonly known as the corner of Hayden Street and Clay Street Fort Wayne, Indiana (William E. Brown, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

Part of Lots 121, 122, 123 and 124 in Lewis Addition to the City of Fort Wayne, Indiana; together with a portion of the vacated Clay Street and Pittsburgh Street; more particularly described as follows: Beginning at the intersection of the West right-of-way line of Clay Street and the South right-of-way line of Hayden Street; thence Easterly, on said South line, a distance of 270 feet to the Northeast corner of said Lot 121; thence Southerly, on the East line of said Lot 121 extended through said vacated Pittsburgh Street, to a point located 20 feet North of the centerline of the Pittsburgh, Fort Wayne and Chicago Railway Company track No. 241; thence Northwesterly on a curve to the right, concentrically 20 feet to said track No. 241, a distance of 127.7 feet to the point of beginning;

said property more commonly known as the corner of Hayden Street and Clay Street, Fort Wayne, Indiana;

WHEREAS, recommendation have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1., said designation to begin on the effective date of this Resolution and continue for a one (1) year period. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of the real estate.

SECTION 4. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3 (b), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. Giaquinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-28-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-04-01

# DECLARATORY RESOLUTION NO. R- 29-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 641/642 Growth Avenue, Fort Wayne, Indiana. (Ward Aluminum Castings, Inc., Ward Pattern & Engineering, Inc., Ward Holding Co., Petitioner)

WHEREAS, Petitioner has duly filed its petition dated March 27, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Lots No. 2 and 7 in Lombard Park Addition to Fort Wayne according to the plat thereof recorded in Plat Book 1, page 4 in the Office of the Recorder of Allen County, Indiana;

Also Lots 22 to 25 and the North 5 feet of Lot 26 in W. R. Nelson's Addition to Fort Wayne, according to the plat thereof recorded in Deed Record 58, page 508 in the Office of the Recorder of Allen County, Indiana;

Also the vacated alley adjoining said lots, lying between Lots 22, 23, 24, 25 and the North 5 feet of Lot 26 in W. R. Nelson's Addition to Fort Wayne, and Lots 3, 4, 5, 6 and 7 in Lombard Park Addition, and the vacated alley lying between Lots 23 and 24 W. R. Nelson's Addition to Fort Wayne, in Allen County, Indiana;

Lots No. 8 and 9 and the South 1 foot of Lot 10 in Lombard Park Addition to Fort Wayne, according to the plat thereof recorded in Plat Book 1, page 4 in the Office of the Recorder of Allen County, Indiana;



Lots 27 to 40 both inclusive in Lumbard Park Addition to Fort Wayne according to the plat thereof recorded in Plat Book 1, page 4 in the Office of the Recorder of Allen County, Indiana;

Also the vacated alleys adjoining the same, being the alley East of Lots 27 to 33 and

West of lots 36 and 40, also the alley South of Lots 28 and 39 and North of remaining parts of Lots 29 and 38 in said Lumbard Park Addition;

Also that part of Park Lot 1 in Lumbard Park Addition to Fort Wayne lying South of the North line of Lot 40 in said Lumbard Park Addition to Fort Wayne, extended East to the right of way of the Railroad;

Also that part vacated Cleveland Street lying South of the North line of said Lot 40 in said Lumbard Park Addition to Fort Wayne extended east and North East of East line of Knitters Avenue in said City of Fort Wayne, Indiana;

said property more commonly known as 641/642 Growth Avenue, Fort Wayne, Indiana 46808;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for three (3) years thereafter. Said designation shall terminate at the end of that three (3) year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as in "Economic Revitalization Area" for public hearing;

- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of both real estate and personal property for new manufacturing equipment.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a six (6) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-29-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-19 (AS AMENDED)

SPECIAL ORDINANCE NO. S-51-86

AN ORDINANCE amending the Three Rivers  
Emergency Medical Services Interlocal  
Cooperative Agreement

WHEREAS, the City of Fort Wayne and Allen County, Indiana are parties to the Three Rivers Emergency Medical Services Interlocal Cooperative Agreement ("Agreement") pursuant to the Interlocal Cooperation Agreement noted as Document Number 81-014260 as recorded in the records of the Allen County Recorder's Office, Allen County, Indiana;

WHEREAS, such Agreement has previously been approved by the Common Council of the City of Fort Wayne and the Board of Commissioners of Allen County, Indiana;

WHEREAS, an amendment to the Agreement is desirous to provide additional services to the public.

NOW, THEREFORE BE IT ORDAINED BY the Common Council of the City of Fort Wayne as follows:

SECTION 1: The Three Rivers Emergency Medical Services Interlocal Cooperative Agreement, at Article 9 (a) thereof, is hereby amended by adding thereto the following language: "The Three Rivers Ambulance Authority shall have the power to engage in wheelchair and ambulatory transportation; providing that such power shall, in years after 1986, only be exercised in years in which the Three Rivers Ambulance Authority does not receive a subsidy from the City of Fort Wayne.

SECTION 2: This Ordinance shall be in full force and effect upon passage by the Common Council and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-51-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

GENERAL ORDINANCE NO. G-13-86

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a portion of public  
right-of-way

WHEREAS, a petition to vacate a portion of public street within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereon; and,

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a portion of public street within the City of Fort Wayne, more specifically described as follows, to-wit:

Commencing at the west curb line of Fairfield Avenue (Northwest corner of Fairfield Avenue and Pasadena Drive) and proceeding west across said curb and further west an additional 134 feet to the intersection of the east right-of-way line of the existing north-south alley; thence South 50 feet; thence east 134 feet and further east through curb line to the west curb line of Fairfield Avenue (the southwest corner of Fairfield Avenue and Pasadena Drive); thence north 50 feet to the point of beginning,

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects: However, this vacation is subject to a requirement that a cul-de-sac will be provided at the west side of the vacated portion of Pasadena Drive.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary

approval by the Mayor.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Six  
Burns, Eisbart, Redd, Schmidt, Stier,  
Talarico  
NAYS: One  
Bradbury  
ABSTAINED: One  
Henry  
ABSENT: One  
GiaQuinta  
DATE: 4-8-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-13-86 on the 8th day of April, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy      Samuel J. Talarico  
City Clerk              Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-23

SPECIAL ORDINANCE NO. S-52-86

AN ORDINANCE approving Contract for Improvement Res. #6041-86, for Curb & Sidewalk, Oxford NPI'86, by and between the City of Fort Wayne, and Hipskind Asphalt Corporation, in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Contract for Improvement Res. #6041-86, for Curb & Sidewalk, Oxford NPI'86, by and between the City of Fort Wayne, Indiana, and Hipskind Asphalt Corporation, in connection with the Board of Public Works and Safety, for:

the improvement of curbs and sidewalks on the following:

WARSAW STREET FROM BLOTZ TO DALMAN (BASE BID);

MONORE STREET FROM BOLTZ TO DALMAN (ALTERNATE I);

DALMAN AVE. FROM WARSAW TO HANNA (ALTERNATE II);

THIS AREA IS ALSO KNOWN AS OXFORD NPI ' 86;

involving a total cost of One Hundred Fifty-Two Thousand One Hundred Seventy-Eight and 40/100 Dollars (\$152,178.40), (\$42,749.80), Base; \$34,674.00, Alternate I; \$74,754.60, Alternate II), all as more particularly set forth in said Contract, and which is on file in the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-52-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-24

#### SPECIAL ORDINANCE NO. S-53-86

AN ORDINANCE approving City Utilities Purchase Order #A-52929, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Vacuum Loading, Inc., for the Three Rivers Filtration Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-52929, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing, with Vacuum Loading, Inc., for the Three Rivers Filtration Plant, respectfully for:

the purchase of equipment and personnel to remove all sand and gravel from filters at the Three Rivers Filtration Plant;

involving a total cost of Eleven Thousand Seven Hundred Fifty and No/100 Dollars (\$11,750.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-53-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-25

SPECIAL ORDINANCE NO. S-54-86

AN ORDINANCE approving Bid Reference #772, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with Tri-State Plumbing Supply Co., Inc., The Treaty Company, Water Products, and Underground Pipe & Valve, Inc., respectively, for the Water Maintenance & Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Bid Reference #772, by the City of Fort Wayne, by and through its Department of Purchasing, with Tri-State Plumbing Supply Co., Inc., The Treaty Company, Water Products, and Underground Pipe & Valve, Inc., respectively, for the Water Maintenance & Service Department, respectfully for:

the award of Bid Reference #772 to Tri-State Plumbing Supply Co., Inc., The Treaty Company, Water Products, and Underground Pipe & Valve, Inc., for the purchase of construction material for the Water Maintenance and Service Department (purchase orders will be assigned as they are needed)

involving a total cost of Fifty-Three Thousand Two Hundred One and 28/100 Dollars (\$54,201.28), (Tri-State, \$12,546.04; Treaty \$7,244.74; Water Products, \$9,733.56; Underground, \$23,676.94), all as more particularly set forth in said Bid Reference #772, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None

ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-54-86 on the 8th  
day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 9th day of April, 1986, at the hour of 1:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986,  
at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-26

#### SPECIAL ORDINANCE NO. S-55-86

AN ORDINANCE approving City Utilities  
Purchase Order #A-52882, by the City  
of Fort Wayne, Indiana, by and through  
its Department of Purchasing and Midwest  
Tile and Concrete Company, for the  
Water Pollution Control  
Maintenance Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order  
#A-52882, between the City of Fort Wayne, by and through its City  
Utilities, and the Department of Purchasing, with Midwest Tile  
and Concrete Company, for the Water Pollution Control Maintenance  
Department, respectfully for:

the purchase of precast catch basins and  
inlets for the Water Pollution Control  
Maintenance Department, per the  
specifications in Reference #2719;

involving a total cost of Twelve Thousand Seventy-Five and No/100  
Dollars (\$12,075.00), all as more particularly set forth in said  
Purchase Order and Reference #2719, which are on file in the  
Office of the Department of Purchasing, and are by reference  
incorporated herein, made a part hereof, and are hereby in all  
things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full  
force and effect from and after its passage and any and all  
necessary approval by the Mayor.

Paul M. Burns  
Councilmember



Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None

ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-55-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-27

# SPECIAL ORDINANCE NO. S-56-86

AN ORDINANCE approving Bid Reference #2756, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with Irving Ready Mix Company, for the Water Maintenance and Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Bid Reference #2756, by the City of Fort Wayne, by and through its Department of Purchasing, with Irving Ready Mix Company, for the Water Maintenance and Service Department, respectfully for:

the award of Bid Reference #2756 for the purchase of concrete for the Water Maintenance and Service Department (purchase orders will be issued as they are needed);

involving a total cost of Twelve Thousand and No/100 Dollars (\$12,000.00), all as more particularly set forth in said Bid Reference #2756, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-56-86 on the 8th  
day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 9th day of April, 1986, at the hour of 1:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986,  
at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-28

SPECIAL ORDINANCE NO. S-57-86

AN ORDINANCE approving City Utilities  
Purchase Order #A-52940, by the City  
of Fort Wayne, Indiana, by and through  
its Department of Purchasing and Aero  
Oil Co., for the City Utilities Garage

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order  
#A-52940, between the City of Fort Wayne, by and through its City  
Utilities, and the Department of Purchasing, with Aero Oil Co.,  
for the City Utilities Garage, respectfully for:

the purchase of automotive grease and oil for  
City vehicles through the City Utilities  
Garage, per the specifications in Reference  
#777;

involving a total cost of Twenty Thousand and No/100 Dollars  
(\$20,000.00), all as more particularly set forth in said Purchase  
Order and Reference #777, which are on file in the office of the  
Department of Purchasing and are by reference incorporated  
herein, made a part hereof, and are hereby in all things  
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full  
force and effect from and after its passage and any and all  
necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: Absent  
GiaQuinta

DATE: 4-8-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-57-86 on the 8th  
day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 9th day of April, 1986, at the hour of 1:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986,  
at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-29

SPECIAL ORDINANCE NO. S-58-86

AN ORDINANCE approving City Utilities  
Purchase Order #A-52957, by the City  
of Fort Wayne, Indiana, by and through  
its Department of Purchasing, with  
Anthony Motor Parts Corporation,  
for the City Utilities Garage

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order  
#A-52957, between the City of Fort Wayne, by and through its City  
Utilities, and the Department of Purchasing, with Anthony Motor  
Parts Corporation, for the City Utilities Garage, respectfully  
for:

the purchase of batteries for City vehicles  
through the City Utilities Garage, per the  
specifications in Reference #776;

involving a total cost of Fifteen Thousand and No/100 Dollars  
(\$15,000.00), all as more particularly set forth in said Purchase  
Order and Reference #776, which are on file in the Office of the  
Department of Purchasing, and are by reference incorporated  
herein, made a part hereof, and are hereby in all things  
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full  
force and effect from and after its passage and any and all  
necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-58-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-30

SPECIAL ORDINANCE NO. S-59-86

AN ORDINANCE approving the Contract for Res. #415-85, East State Evangel Assembly of God Pump Station, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and All Star Construction & Excavating, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed Contract for Res. #415-85, East State Evangel Assembly of God Pump Station, between the City of Fort Wayne, by and through its Board of Public Works and Safety, and All Star Construction & Excavating, Inc., for:

The Contract for Res. #415-85, East State Evangel of God Pump Station is for the following:

GRAVITY SEWER - PUMP STATION AND FORCE MAIN

Beginning at an existing manhole 70 ± LF East and 15 ± LF South of the intersection of the North Right-of-way line of East State Boulevard and the East line of Lot #4 Lake Estates; thence Northwesterly 30 ± LF to a proposed manhole; thence Southwesterly 480 ± LF to a proposed lift station. Said public sewer shall be 8" in diameter;

involving a total Contract cost of Twenty-Five Thousand Twenty-Eight and 85/100 Dollars (\$24,028.85), all as more particularly set forth in said Resolution and Contract, and which is on file with the Office of the Board of Public Works and Safety and is, by reference, incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-59-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-31

SPECIAL ORDINANCE NO. S-60-86

AN ORDINANCE approving City Utilities Purchase Orders #A-52958, #A-52959 and #A-52960, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing, with Woodward Tire Sales & Services, Inc., McMahon Tire, Inc., and General Tire Company, Inc., respectively, for the City Utilities Garage

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders #A-52958, #A-52959 and #A-52960, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing, with Woodward Tire Sales & Service, Inc., McMahon Tire, Inc. and General Tire Company, Inc., for the City Utilities Garage, respectfully for:

the purchase of tires, tubes and service for City vehicles through the City Utilities Garage, per the specifications in Reference #775;

involving a total cost of One Hundred Ten Thousand and No/100 Dollars (\$110,000.00), (Woodward Tire Sales & Service, Inc., \$50,000.00; McMahon Tire, Inc., \$50,000.00; and General Tire Company, Inc., \$10,000.00), all as more particularly set forth in said Purchase Orders and Reference #775, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-60-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-03-32

SPECIAL ORDINANCE NO. S-61-86

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana to delete Chapter 16 of the Fort Wayne Municipal Code entitled "Milk and Milk Products" in its entirety

WHEREAS, the Fort Wayne Municipal Code is in need of revision; and

WHEREAS, Chapter 16 of the Fort Wayne Municipal Code entitled "Milk and Milk Products" has been reviewed by its enforcing agent, the Allen County Board of Public Health; and

WHEREAS, Chapter 16 of the Fort Wayne Municipal Code entitled "Milk and Milk Products" has been determined to now be covered under State Law and under the jurisdiction of the State Board of Public Health;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 16 of the Fort Wayne Municipal Code entitled "Milk and Milk Products" is now dated in its entirety.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
 Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
 Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-61-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-86-03-33

SPECIAL ORDINANCE NO. S-62-86

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana to delete Chapter 4 of the Fort Wayne Municipal Code entitled "Air Pollution" in its entirety

WHEREAS, the Fort Wayne Municipal Code is in need of revision; and

WHEREAS, Chapter 4 of the Fort Wayne Municipal Code entitled "Air Pollution" has been reviewed by its enforcing agent, the Allen County Board of Public Health; and

WHEREAS, Chapter 4 of the Fort Wayne Municipal Code entitled "Air Pollution" has been determined to be no longer under the jurisdiction of the Allen County Board of Public Health; and

WHEREAS, Chapter 4 of the Fort Wayne Municipal Code entitled "Air Pollution" has been determined to now be covered under State law and under the jurisdiction of the State Board of Public Health;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 4 of the Fort Wayne Municipal Code entitled "Air Pollution" is now deleted in its entirety.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
 Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
 Bradbury, Burns, Eisbart, Henry, Redd,  
 Schmidt, Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: One  
 GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-62-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-86-03-34

SPECIAL ORDINANCE NO. S-63-86

AN ORDINANCE of the Common Council  
 of the City of Fort Wayne,  
 Indiana to delete Chapter  
 4.5 of the Fort Wayne Municipal  
 Code entitled "Airports and  
 Aircraft" in its entirety

WHEREAS, the Fort Wayne Municipal Code is in need of revision; and

WHEREAS, Chapter 4.5 of the Fort Wayne Municipal Code entitled "Airports and Aircraft" has been reviewed by its enforcing agent, the Airport Authority; and

WHEREAS, Chapter 4.5 of the Fort Wayne Municipal Code entitled "Airports and Aircraft" has been determined to be covered under State and Federal Laws;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 4.5 of the Fort Wayne Municipal Code entitled "Airports and Aircraft" is now deleted in its entirety.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
 Councilmember



Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, Bradbury, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One

GiaQuinta  
DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-63-86 on the 8th day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1986, at the hour of 1:00 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-03-20

GENERAL ORDINANCE NO. G-14-86

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, ratifying the Allen County Animal Control Agreement and the Municipally Funded Low Cost Spay/Neuter Clinic Agreement

WITNESSETH:

WHEREAS, the City has negotiated and the Animal Control Commission has approved and accepted the Allen County Animal Control Agreement and the Municipally Funded Low Cost Spay/Neuter Clinic Agreement.

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Allen County Animal Control Agreement and the Municipally Funded Low Cost Spay/Neuter Clinic Agreement, as previously negotiated and approved by the City and the Animal Control Commission, are hereby ratified and confirmed in all respects. Copies of said Agreements are attached hereto, as a part hereof.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Stier,  
seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as General Ordinance No. G-14-86 on the 8th  
day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 9th day of April, 1986, at the hour of 1:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986,  
at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-04-07

RESOLUTION NO. R-30-86

A RESOLUTION of the Common Council of  
the City of Fort Wayne, Indiana  
commending Rosanna J. Herber for  
her outstanding work as  
the Mayor's Citizens Advocate

WHEREAS, Rosanna J. Herber has acted as the Mayor's  
Citizen Advocate for the past three years; and

WHEREAS, Rosanna J. Herber has worked diligently and  
successfully to bring about greater communication between city  
government and the Fort Wayne citizenry; and

WHEREAS, Rosanna J. Herber is leaving her position as  
the Mayor's Citizens Advocate and the City of Fort Wayne,  
Indiana to follow her goals and dreams; and

WHEREAS, the Common Council of the City of Fort Wayne,  
Indiana wishes to acknowledge her outstanding service to the city  
administration and the Fort Wayne community.

NOW, THEREFORE BE IT RESOLVED that the Common Council  
of the City of Fort Wayne, Indiana recognizes the contribution  
and service of Rosanna J. Herber as the Mayor's Citizens  
Advocate, and wishes her happiness and success in the pursuit of  
her dreams.

James S. Stier  
Councilmember

882  
Read the third time in full and on motion by Stier,  
seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 4-8-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Resolution No. R-30-86 on the 8th day of  
April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 9th day of April, 1986, at the hour of 1:00  
o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 10th day of April, 1986,  
at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-04-02

DECLARATORY RESOLUTION NO. R-31-86

A DECLARATORY RESOLUTION confirming  
the designation of an "Economic  
Revitalization Area" under I.C.  
6-1.1-12.1 for property commonly known  
as 641/642 Growth Avenue, Fort Wayne,  
Indiana. (Ward Aluminum Castings,  
Inc., Ward Pattern & Engineering,  
Inc., Ward Holding Co., Petitioner)

WHEREAS, Common Council has previously designated by  
Declaratory Resolution the following described property as an  
"Economic Revitalization Area" under Division 6, Article II,  
Chapter 2 of the Municipal Code of the City of Fort Wayne,  
Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

Lots No. 2 to 7 in Lombard Park Addition to  
Fort Wayne according to the plat thereof  
recorded in Plat Book 1, page 4 in the Office  
of the Recorder of Allen County, Indiana;

Also Lots 22 to 25 and the North 5 feet of  
Lot 26 in W.R. Nelson's Addition to Fort  
Wayne, according to the plat thereof recorded  
in Deed Record 58, page 508 in the Office of  
the Recorder of Allen County, Indiana;

Also the vacated alley adjoining said lots,  
lying between Lots 22, 23, 24, 25 and the  
North 5 feet of Lot 26 in W. R. Nelson's  
Addition to Fort Wayne, and Lots 3, 4, 5, 6  
and 7 in Lombard Park Addition, and the  
vacated alley lying between Lots 23 and 24  
W.R. Nelson's Addition to Fort Wayne, in  
Allen County, Indiana;

Lots No. 8 and 9 in the South 1 foot of Lot 10 in Lumbard Park Addition to Fort Wayne, according to the plat thereof recorded in Plat Book 1, page 4 in the Office of the Recorder of Allen County, Indiana;

Lots 27 to 40 both inclusive in Lumbard Park Addition to Fort Wayne according to the plat thereof recorded in Plat Book 1, page 4 in the Office of the Recorder of Allen County, Indiana;

Also the vacated alleys adjoining the same, being the alley East of Lots 27 to 33 and West of lots 36 to 40, also the alley South

of Lots 28 and 39 and North of remaining parts of Lots 29 and 38 in said Lumbard Park Addition;

Also that part of Park Lot 1 in Lumbard Park Addition to Fort Wayne lying South of the North line of Lot 40 in said Lumbard Park Addition to Fort Wayne, extended East to the right of way of the Railroad;

Also that part of vacated Cleveland Street lying South of North line of said Lot 40 in said Lumbard Park Addition to Fort Wayne extended east and North East of East line of Knitters Avenue in said City of Fort Wayne, Indiana;

said property more commonly known as 641/642 Growth Avenue, Fort Wayne, Indiana 46808;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I. C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for a three (3) year period. Said designation shall terminate at the end of that three (3) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of both real estate and personal property for new manufacturing equipment.

SECTION 4. That it is the preliminary intent of Common Council to recommend a six (6) year deduction from the

assessed value of the property. However, pursuant to I.C. 6-1.1-12.1 (b), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-31-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986, at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-04-18

#### DECLARATORY RESOLUTION NO. R-32-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3700 East Pontiac Street, Fort Wayne, Indiana 46803.  
(ITT Aerospace/Optical Division, Petitioner)

WHEREAS, Petitioner has duly filed its petition dated April 11, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

3700 EAST PONTIAC STREET AND NW 1/4  
S OF RR EX W1200 FT SEC. 17 (Oxford St.):

said property more commonly known as 3700 East Pontiac Street, Fort Wayne, Indiana 46803;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for four (4) years thereafter. Said designation shall terminate at the end of that four (4) year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of personal property for new manufacturing equipment.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-32-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986, at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-04-30

RESOLUTION NO. R-33-86

A RESOLUTION adding employees of the  
Fort Wayne Convention and Visitors  
Authority to the City of Fort  
Wayne Public Employees' Retirement Fund

WHEREAS, the Common Council of the City of Fort Wayne is the governing body of the City of Fort Wayne in Allen County in the State of Indiana; and

WHEREAS, the actuary for the public Employees' Retirement Fund has furnished such governing body with certain cost estimates to become a participant in such Fund as established by the Acts of 1945, Chapter 340, and all Acts amendatory and supplemental thereto; and

WHEREAS, such governing body is fully cognizant that the percentage of cost of gross annual payroll of covered employees has been set at five and one-quarter percent (5 1/4%) and Five Thousand One Hundred Eight-Six and No/100 Dollars (\$5,186.00) by the actuary of the Fund, and that at five (5) year intervals, or more often if directed by the Board of Trustees of the Public Employees' Retirement Fund, the actuary will review the status of the employees covered and shall adjust the cost percentage accordingly so that the FUND will remain on an actuarially sound basis; and

WHEREAS, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to retire the employees' prior service liability in an orderly manner and also fund the current cost accruing annually.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The City of Fort Wayne elects to enlarge its participation in the Public Employees' Retirement Fund by including additional classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, all Acts amendatory and supplemental thereto. This agreement supplements the original dated April 8, 1947.

SECTION 2. The City of Fort Wayne, by and through the Fort Wayne Convention and Visitors Authority agrees to make the required contributions under the Public Employees' Retirement Fund Act, which is the Act of 1945, Chapter 340, and all Acts amendatory thereof and supplemental thereto, including specifically the Acts of 1955, Chapter 329, commonly designated as "The Indiana Public Employees' Social Security Integration and Supplemental Retirement Benefit Act."

SECTION 3. All full-time positions of the Fort Wayne Convention and Visitors Authority are declared to be covered by the Fund.

SECTION 4. It is hereby declared that none of the classifications or positions specified in Section 3 are compensated on a fee basis or of an emergency nature, or in a part-time category.

SECTION 5. The active participating membership of the Fort Wayne Convention and Visitors Authority shall begin on July 1, 1986.

SECTION 6. This Resolution shall be in full force and effect from date of passage and upon approval of the Board of Trustees of the Public Employees' Retirement Fund of Indiana, except that active participating membership shall begin on the date set forth in Section 5 and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-33-85 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986, at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-86-02-31

ZONING ORDINANCE MAP NO. Z-03-86

AN ORDINANCE amending the City  
of Fort Wayne Zoning Map No. L-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an M-1 (Light Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

East half of Lot #9 and all of Lot #8 in  
Chute and Prince Addition

and the symbols of the City of Fort Wayne Zoning Map No. L-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember



Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GlauQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-03-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)  
Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986, at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-86-03-22

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. K-38

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

6040 Lima Road: Beginning 702.8 feet North of the Southeast corner of the Southwest 1/4 of the southeast 1/4 of Section 15, Township 31 North, Range 12 East; thence North along the East line of said 1/4 section 136.2 feet; thence in a Southwesterly direction 137.4 feet to a point 311.5 feet West of the Southeast corner of the above described tract; thence East 311.5 feet to the place of beginning, containing 1 acre, more or less. Address of Property is to be Included: 6040 Lima Road, 6126 Lima Road and 6112 Lima Road - Fort Wayne, Indiana 46808.

6126 Lima Road: Starting at a point of beginning at the Northeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range 12 East, in Allen County, Indiana; thence south along the east line of the said Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range 12 East, a distance of 229.5 feet to a point, which shall be known as the place of beginning; thence south along the east line of the said Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range 12 East, a distance of 122.7 feet; thence west parallel with the north line of the said Southwest 1/4 of the Southeast 1/4 of Section 15, Township 31 North, Range 12 East, a distance of 346.7 feet to the east right-of-way line of the Indiana Service Corporation; thence North along the east right-of-way line of the Indiana Service Corporation a distance of 123.9 feet to a point; thence east parallel with the north line of the said Southwest 1/4 of the Southeast 1/4 of Section 15, Township

31 North, Range 12 East, a distance of 363 feet to the place of beginning, containing 1 acre of land, more or less.

6112 Lima Road: Part of the Southwest Quarter of the Southeast Quarter of Section 15, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the Northeast corner of said Southwest Quarter; thence South on and along the East line of said Southwest Quarter, a distance of 352.2 feet to the true point of beginning; thence continuing South on and along East line a distance of 128.8 feet; thence Westerly by an interior angle of 89 degrees 43' and parallel to the North line of said Southwest Quarter, distance of 277.4 feet to the Easterly right-of-way line of State Road #3 (Lima Road) as it presently exists; thence Northwesterly by an interior angle of 97 degrees 57', on and along said Easterly right-of-way line, 130.0 feet; thence Easterly by an interior angle of 82 degrees 03' and parallel to said North line, 294.0 feet to the true point of beginning, containing 0.845 acres of land.

and the symbols of the City of Fort Wayne Zoning Map No. K-38, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage. LOST by the following vote:

AYES: None

NAYS: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

ABSTAINED: None

ABSENT: None

DATE: 4-22-86

Sandra E. Kennedy  
City Clerk

BILL NO. R-86-04-09

RESOLUTION NO. R-34-86

A RESOLUTION of the Common Council of  
the City of Fort Wayne, Indiana,  
amending the Municipally Funded  
Low Cost/Spay Neuter  
Clinic Agreement

WITNESSETH:

WHEREAS, the Common Council has approved the  
above-referenced Agreement per General Ordinance No. G-86-03-20;  
and

WHEREAS, such Agreement should be deemed effective  
March 1, 1986 and terminating February 28, 1987.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Municipally Funded Low Cost/Spay  
Neuter Clinic Agreement is hereby amended so that same is deemed  
effective March 1, 1986, and terminating February 28, 1987.

SECTION 2. That this Resolution shall be in full force  
and effect from and after its passage and any and all necessary  
approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart,  
seconded by Henry, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Resolution No. R-34-86 on the 22nd day  
of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 23rd day of April, 1986, at the hour of 11:30  
o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986,  
at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

SPECIAL ORDINANCE NO. S-65-86

AN ORDINANCE approving City Utilities Purchase Order #A-53075, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Treaty Company, for the Water Maintenance and Service Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-53075, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing with the Treaty Company, for the Water Maintenance and Service Department, respectfully for:

the purchase of 2000' of Tyton Joint Ductile Iron Pipe for the Water Maintenance and Service Department;

involving a total cost of Nine Thousand and No/100 Dollars (\$9,000.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-65-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986, at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-04-04

SPECIAL ORDINANCE NO. S-66-86

AN ORDINANCE approving City Utilities Purchase Orders #A-53066 and #A-53067, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and Robinson & Associates, Inc., for the Water Engineering Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders #A-53066 and #A-53067, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and Robinson & Associates, Inc., for the Water Engineering Department, respectfully for:

the purchase of material and labor to install radio telemetry systems at the Northwest and Southwest pumping stations for the Water Engineering Department;

involving a total cost of Twenty-Nine Thousand One Hundred Eighty Four and No/100 Dollars (\$29,184.00), (#A-53066 (NW), \$17,030.00; #A-53067 (SW), \$12,154.00), all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-66-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986, at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-04-05

## SPECIAL ORDINANCE NO. S-67-86

AN ORDINANCE approving City Utilities Purchase Order #A-53045, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Techmar Company, for the Water Pollution Control Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-53045, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing with the Techmar Company, for the Water Pollution Control Plant, respectfully for:

the purchase of a fully automatic purge and trap concentrator for the Water Pollution Control Plant, per the specifications in Reference #2733;

involving a total cost of Thirteen Thousand Seven Hundred Seventy-Five and No/100 Dollars (\$13,775.00), all as more particularly set forth in said Purchase Order and Reference #2733, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-67-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986, at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-04-06

SPECIAL ORDINANCE NO. S-68-86

AN ORDINANCE approving Contract 85-W-5, Cathodic Protection System - Maplecrest Road Elevated Tank, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and the Wallace & Tiernan Division, Pennwalt Corporation

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That annexed Contract 85-W-5 - Cathodic Protection System - Maplecrest Road Elevated Tank, between the City of Fort Wayne, by and through its Board of Public Works and Safety, and the Wallace & Tiernan Division, Pennwalt Corporation, for:

the restoring of painting systems and life of tank;

involving a total cost of Seven Thousand Six Hundred Forty-One and No/100 Dollars (\$7,641.00), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety and is, by reference, incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-68-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986, at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-04-12

SPECIAL ORDINANCE NO. S-64-86

AN ORDINANCE concerning the refunding of an indebtedness of the municipal waterworks incurred for the acquisition and construction of water facilities by the municipal waterworks of the City of Fort Wayne, the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue bonds to provide for the cost thereof, matters connected therewith, and repealing ordinances in conflict therewith.

PLEASE NOTE: THIS ORDINANCE MAY BE REVIEWED IN THE OFFICE OF THE CITY CLERK.

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 4-22-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-64-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 8:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 23rd day of April, 1986, at the hour of 8:45 A.M., E.S.T.

Win Moses, Jr.  
Mayor



GENERAL ORDINANCE NO. G-15-86

AN ORDINANCE amending General Ordinance G-27-84, which ordinance amended Special Ordinance No. S-91-82, which ordinance amended General Ordinance No. G-27-78, and amending Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, establishing rates charges for the use of and services rendered by the waterworks system of the City Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, now finds that the existing rates and charges for the use of and services rendered by the waterworks of said City are too low and are insufficient to enable the City to properly maintain and operate its waterworks plant; to provide for depreciation; to provide a sinking fund for the liquidation of bonds; to provide for payment of interest on bonds and other evidences of indebtedness; to provide adequate funds for working capital; to provide funds for payment of any taxes assessed against its utility; and to provide a reasonable return on its utility plant; and therefore, that the existing rates and charges should be increased; and

WHEREAS, in accordance with I.C. 8-1.5-3-8, as amended, the Common Council finds that rates and charges for water service to be paid by users of the system shall be sufficient to include a reasonable return on the utility plant of the municipality; and

WHEREAS, pursuant to I.C. 8-1.5-3-8, the Common Council finds that the water rates charged to users of the system shall be sufficient to compensate the City for the taxes due to the City which would be paid on the utility property were it privately owned;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Section 1 of General Ordinance No. G-27-84, entitled "An Ordinance amending Special Ordinance No. S-91-82, which ordinance amended General Ordinance No. G-27-78; and amending Chapter 31 of the Municipal Code of the City of Fort Wayne, establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith", adopted September 25, 1984, and signed by the Mayor on September 26, 1984, and Chapter 31 of the Municipal Code of the City of Fort Wayne, be and the same are hereby amended as follows:

Sec. 31-18. Established; water usage schedule.

There shall be and hereby are established for the use of and the service rendered by the waterworks system of the City of Fort Wayne the following rates and charges based on the use of water supplied by said waterworks system:

<u>Metered Rates Per Month</u>		<u>Rates Per</u> <u>100 Cubic Feet</u>
First	30,000 cubic feet	\$ .728
Next	120,000 cubic feet	.573
Over	150,000 cubic feet	.425

Monthly Service Charge

Each user shall pay a monthly service charge, in addition to usage charges calculated under the metered rate schedule, as follows:

<u>Size of Meter</u>	<u>Monthly Service Charge</u>
5/8 inch	\$ 3.70
3/4 inch	4.30
1 inch	4.75
1 1/2 inch	11.15
2 inch	22.20
3 inch	26.15
4 inch	26.45
6 inch	66.80
8 inch	88.40
10 inch	118.65

Sec. 31-19. Minimum charges.

Repealed.

Sec. 31-20. Collection or deferred payment charge.

All bills for water services not paid on or before the due date, which due date shall be approximately fifteen days after the bill is rendered shall be subject to a collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

Sec. 31-21. Private fire protection service.

	<u>Per Annum</u>
For each Fire Hydrant	\$ 188.90
2 inch	21.00
3 inch	47.20
4 inch	84.00
6 inch	188.90
8 inch	334.40
10 inch	523.30
12 inch	755.70
16 inch	1,343.25

Sec. 31-22. Municipal service.

Municipal service to the City shall be as follows:

For each Fire Hydrant inside the city limits per annum	\$188.90
--	----------

Sec. 31-23. Charges to customers situated outside city limits.

There shall be and hereby are established for the use of and the service rendered by the waterworks system of the City of Fort Wayne for customers situated outside the corporate limits of the City of Fort Wayne the following rates and charges based on the use of water supplied by said waterworks system:

<u>Metered Rates Per Month</u>	<u>Rates Per 100 Cubic Feet</u>
First 30,000 cubic feet	\$ .850
Next 120,000 cubic feet	.717
Over 150,000 cubic feet	.557

Monthly Service Charge

Each user shall pay a monthly service charge, in addition to usage charges calculated under the metered rate schedule, in an amount equal to the amount listed for monthly service charges for customers located inside the corporate limits of the city as set out in Section 31-18.

Private Fire Protection Service

	<u>Per Annum</u>
For each Fire Hydrant	\$ 293.90
2"	32.65
3"	73.50
4"	130.60
6"	293.90
8"	520.20
10"	814.10
12"	1,175.60
16"	2,089.65

SECTION 2. Except for the foregoing amendments, the remaining sections of Chapter 31 of the Municipal Code of City of Fort Wayne shall remain in full force and effect.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided however, that the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Public Service Commission of Indiana, and until such time as the order of said Commission approving said new rates and charges shall direct.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage; provided, however, that the schedule of rates and charges herein set out shall not become effective unless approved by the Public Service Commission of Indiana, or until such time as said Commission shall direct.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Seven

Bradbury, Eisbart, GiaQuinta, Henry, Redd,  
Stier, Talarico

NAYS: Two

Burns, Schmidt

ABSTAINED: None

ABSENT: None

DATE: 4-22-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-15-86 on the 22nd day of April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 8:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 23rd day of April, 1986, at the hour of 8:45 A.M., E.S.T.

Win Moses, Jr.  
Mayor

## GENERAL ORDINANCE NO. G-16-86

AN ORDINANCE REPEALING CHAPTER 24 OF THE  
FORT WAYNE MUNICIPAL CODE AND SUBSTITUTING  
AND ENACTING THEREFOR A NEW CHAPTER  
24 ENTITLED "SEWERS AND SEWERAGE  
SYSTEM" FOR THE PURPOSE OF ADJUSTING  
RATES AND OTHER PROVISIONS  
SET FORTH THEREIN

WHEREAS, the Common Council now finds that the fees charged for services rendered by the Sewage Works owned and operated by the City of Fort Wayne are not sufficient to maintain the Sewage Works in the sound physical and financial condition necessary to render adequate and sufficient service and that said fees are not sufficient to pay all expenses to operate and maintain the Works; to pay interest charges on bonds or other obligations; to provide the sinking fund required for revenue bonds heretofore issued; to provide adequate money to be used as working capital; to provide adequate money for improving and replacing the Works; and to provide the amount of money sufficient to compensate the City for the property taxes that would be paid on the Sewage Works if the Sewage Works were privately owned; and,

WHEREAS, certain terms and conditions incident to the rendering of efficient and non-discriminatory service to users of the Sewage Works should be amended and revised to reflect current operating conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 24 of the Municipal Code of the City of Fort Wayne, Indiana, as presently enacted, is repealed in its entirety and substituted therefor shall be an amended and revised Chapter 24 as attached hereto and made a part hereof and identified as Exhibit "A".

SECTION 2. That this Ordinance be adopted after a public hearing has been held pursuant to I.C. 36-9-23-26 and duly published notice thereof pursuant to I.C. 5-3-1.

SECTION 3. That this Ordinance shall be in full force and effect, and the new rates and charges contained herein shall take effect, upon passage and approval by the Mayor.

Paul M. Burns  
Councilmember

PLEASE NOTE: EXHIBIT "A" MAY BE REVIEWED IN THE OFFICE OF THE CITY CLERK.

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six

Eisbart, GiaQuinta, Henry, Redd, Stier, Talarico

NAYS: Three

Bradbury, Burns, Schmidt

ABSTAINED: None

ABSENT: None

DATE: 4-22-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as No. General Ordinance on the 22nd day of April, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of April, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 23rd day of April, 1986, at the hour of 11:45 A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-04-29

RESOLUTION NO. R-35-86

A RESOLUTION of the Common Council  
of the City of Fort Wayne, Indiana  
commending Karl Bandemer for his  
outstanding service as Director of the  
Economic Development Department

WHEREAS, Karl Bandemer has acted as the Director of  
the Fort Wayne Development since 1981; and

WHEREAS, Karl Bandemer has been instrumental in  
attracting such businesses as Burlington Northern Air Freight,  
Avery International's Fasson Division and Edy's Grand Ice Cream  
to Fort Wayne; and

WHEREAS, it has been through the efforts and program  
of the Economic Development Department, under the guidance of  
Karl Bandemer, that over 5000 jobs have been created for Fort  
Wayne citizens; and

WHEREAS, Karl Bandemer has resigned his position as  
Director of the Economic Development Department and has chosen to  
follow a new avenue in his career; and

WHEREAS, the Fort Wayne Common Council sees economic  
development as a vital issue to the community, and the leadership  
of Karl Bandemer as having been an asset toward the  
implementation and success of these programs.

NOW, THEREFORE BE IT RESOLVED that the Fort Wayne  
Common Council commends the outstanding service of Karl Bandemer  
as Director of Economic Development and acknowledges the benefit  
his leadership has offered our city administration and the Fort  
Wayne community. Further, the Common Council wishes Karl  
Bandemer success and fulfillment in the new direction of his  
career.

James S. Stier  
Councilmember

Read the third time in full and on motion by Stier,  
seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 4-22-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Resolution No. R-35-86 on the 22nd day of  
April, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 23rd day of April, 1986, at the hour of 11:30  
o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 24th day of April, 1986,  
at the hour of 11:00 A.M., E.S.T.

Win Moses, Jr.  
Mayor

SPECIAL ORDINANCE NO. S-69-86

AN ORDINANCE approving the Contract for Improvement Res. #6044-86, Wells Street Revitalization Tree Installation, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and the Landmark Design Landscaping Corporation

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed Contract for Improvement Res. #6044-86, Wells Street Revitalization Tree Installation, made a part hereof, by the City of Fort Wayne, by and through its Board of Public Works and Safety and the Landmark Design Landscaping Corporation, is hereby ratified, affirmed and approved in all respects. The work under said Contract requires:

landscaping the right-of-way along Wells Street from Commerce Street South to the Railroad Tracks;

the Contract price is Twenty-Eight Thousand Three Hundred Thirty and No/100 Dollars (\$28,330.00).

SECTION 2. Prior Approval was received from Common Council with respect to this Contract on April 15, 1986. Two (2) copies of the Contract, attached hereto, are on file with the Office of the City Clerk and made available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-69-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-04-15

## SPECIAL ORDINANCE NO. S-70-86

AN ORDINANCE approving Civil City Purchase Orders #A-47188 and #A-47189, with Martin Enterprises and Ron Lunz, Inc., respectively, for the Safe Housing and Building Standards Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders #A-47188 and #A-47189, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with Martin Enterprises and Ron Lunz, Inc., respectively, for the Safe Housing and Building Standards Department of the City of Fort Wayne, respectively for:

the demolition of various structures throughout the City of Fort Wayne, per the specifications in reference #1244 for the Safe Housing and Building Standards Department;

involving a total cost of Thirteen Thousand Sixty and No/100 Dollars (\$13,060.00), (Martin Enterprises, \$1,975.00); Ron Lunz, Inc., \$11,085.00), all as more particularly set forth in said Purchase Orders, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by GiaQuinta, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-70-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## SPECIAL ORDINANCE NO. S-71-86

AN ORDINANCE approving Civil City Purchase Orders #A-47190, #A-47191, #A-47192 and #A-47193, with L.I. Griffin, Inc., Gaines Construction, Ron Lunz, Inc., and Richard Ness Excavating, respectively, for the Safe Housing and Building Standards Department of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Orders #A-47190, #A-47191, #A-47192 and #A-47193, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with L.I. Griffin, Inc., Gaines Construction, Ron Lunz, Inc., and Richard Ness Excavating, respectively, for the Safe Housing and Building Standards Department of the City of Fort Wayne, respectively for:

the demolition of various structures throughout the City of Fort Wayne for the Safe Housing and Building Standards Department, per the specifications in reference #1245;

involving a total cost of Twelve Thousand Three Hundred Seventy-Four and No/100 Dollars (\$12,374.00), (L.I. Griffin, Inc., \$800.00; Gaines Construction, \$1,220.00; Ron Lunz, Inc., \$5,115.00; Richard Ness Excavating, \$5,239.00), all as more particularly set forth in said Purchase Orders and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None

ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-71-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor



BILL NO. S-86-04-17

## SPECIAL ORDINANCE NO. S-72-86

AN ORDINANCE approving Civil City Purchase Order #A-47055, by the City of Fort Wayne, Indiana, by and through its Safe Housing and Building Standards Department and the Department of Purchasing with Richard Ness Excav. & Trkg. Co., Inc.,

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-47055, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, the Department of Purchasing and the Safe Housing and Building Standards Department of the City, with the Richard Ness Excav. and Trkg. Co., Inc., respectfully for:

the demolition of various structures in Fort Wayne, Indiana, through the Safe Housing and Building Standards Department, per the specifications in reference #1249;

involving a total cost of Seven Thousand Four Hundred Fifty-Five and No/100 Dollars (\$7,455.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. Prior Approval was received from Common Council with respect to this Purchase Order on April 8, 1986.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-72-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

RESOLUTION NO. R-36-86

A RESOLUTION of the Common Council  
of the City of Fort Wayne, Indiana,  
clarifying a previous Resolution

WHEREAS, this Council previously passed a Resolution  
cited as R-85-11-04, dealing with benefits to fire and police  
command personnel;

WHEREAS, such Resolution referenced certain fringe  
benefits;

WHEREAS, this Resolution is necessary to clarify the  
position of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Resolution No. R-85-11-04 is amended by  
replacing Section 1 thereof with the following language:

Section 1. This Council does hereby resolve  
and state that its intent was to always  
include past and present fire and police  
command personnel with respect to vacation,  
vacation leave, personal leave, and holiday  
leave and retirement health insurance as  
extended to other fire and police employees  
in the respective collective bargaining  
units. This does not extend other fringe  
benefits not otherwise enumerated herein to  
such fire and police command personnel that  
would be contained in collective bargaining  
agreements. All such payments with regards  
to the benefits paid to fire and police  
command personnel, past or present, as herein  
referenced, are hereby ratified and  
confirmed. Furthermore, all new command fire  
and police personnel shall be entitled to  
vacation, vacation leave, and personal leave  
and holiday leave as extended to other fire  
and police employees as provided in  
respective collective bargaining agreements  
and all other fringe benefits shall be  
available to such new command personnel as  
extended to other exempt City management  
employees.

SECTION 2. This Resolution simply clarified the  
previous Resolution No. R-85-11-04.

SECTION 3. That this Resolution shall be in full  
force and effect from and after its passage and any and all  
necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Seven  
Bradbury, Burns, Eisbart, GiaQuinta, Redd,  
Stier, Talarico  
NAYS: Two  
Henry, Schmidt  
ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Resolution No. R-36-86 on the 13th day of  
May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy      Samuel J. Talarico  
City Clerk              Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-04-19

DECLARATORY RESOLUTION NO. R-37-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 3700 East Pontiac Street, Fort Wayne, Indiana 46803.  
(ITT Aerospace/Optical Division, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

3700 EAST PONTIAC STREET AND NW 1/4  
S OF RR EX W1200 FT SEC. 17  
(OXFORD ST.);

said property more commonly known as 3700 East Pontiac Street, Fort Wayne, Indiana 46803;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for a four (4) year period. Said designation shall terminate at the end of that (4) year period.

SECTION 3. That, designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of personal

property for new manufacturing equipment.

SECTION 4. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 5-13-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-37-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-05-06

DECLARATORY RESOLUTION NO. R-38-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 120-128 and 150-168 East Collins Drive, Fort Wayne, Indiana. (Beld-Collins, Petitioner)

WHEREAS, Petitioner has duly filed its petition dated April 23, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

(120-128 East Collins)  
Part of Block A in Enterprise Center, Section I, as recorded in Plat Book 32, page 69, in the Office of the Allen County Recorder, described as follows:

Commencing at a point on the North line of said Block A, 850 feet West of the Northeast corner thereof; thence South at a right angle to said North line, 375.5 feet to the point of beginning; thence continuing South at a right angle to said North line, 100 feet to the South line of said Block; thence West on said South line 185.0 feet to the Southwest corner of Block A; thence North with a deflection angle to the right of 90 degr. 19 min. 30 sec. along the West line of Block A, a distance of 100.0 feet; thence East parallel to the North line of Block A, a distance of 184.44 feet to the point of beginning, containing 0.424 acres.

(150-168 Collins)

Part of Block A in Enterprise Center, Section I, as recorded in Plat Book 32, page 69, in the Office of the Allen County Recorder, described as follows:

Commencing at a point on the North line of said Block A, 700 feet West of the Northeast corner thereof; thence South at a right angle to said North line, 375.5 feet to the point of beginning; thence continuing South at a right angle to said North line 100 feet to the South line of said Block; thence West on said South line 150.0 feet; thence North

100 feet; thence East 150.00 feet, containing 0.144 acres.

said property more commonly known as 120-128 and 150-168 East Collins Drive, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

(a) Said Resolution shall be filed with the Allen County Assessor;

(b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";

(c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;

(d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described

recommendations and resolution, if applicable.

SECTION 5. That it is preliminary intent of Common Council to recommend a six (6) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-38-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-05-08

DECLARATORY RESOLUTION NO. R-39-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 710 Ley Road, Fort Wayne, Indiana. (All Phase Real Estate Company, Petitioner)

WHEREAS, Petitioner has duly filed its petition dated April 15, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Lot "B" in the Plat of Merchandise Place Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 29, pages 146-148, on file in the Office of the Recorder of Allen County, Indiana, EXCEPT that part hereof containing 41,448 square feet, more or less, thereof by Schlatter Hardware, Inc., to State Farm Mutual Automobile Insurance Company by deed dated April 15, 1977, recorded in the Office of the Recorder of Allen County, State of Indiana, on April 26, 1977, as Instrument K 1861;

said property more commonly known as 710 Ley Road, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year from the time the previous designation elapses (August 29, 1986), until August 29, 1987. Said designation shall terminate at the end of that one (1) year period, on August 29, 1987.

SECTION 2. That upon adoption of this Resolution:

(a) Said Resolution shall be filed with the Allen

County Assessor;

- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None

ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-39-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-03-21

GENERAL ORDINANCE NO. G-17-86

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating an alley thereof

WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated utility easement within the City of Fort Wayne, more specifically described as follows, to-wit:

Part of the easement for utility purposes established in Wiebke's Homestead Addition, Section "A", the plat of which is recorded in Plat Record 11, page 24 in the Office of the Recorder of Allen County, Indiana, said easement being 8 feet in width and said part being more particularly described as follows, to wit:

The South 4 feet of Lot #15, except the West 39 feet thereof, together with the South 4 feet of Lots #16, #17, and #18, all in said Wiebke's Homestead Addition, Section "A", also together with the North 4 feet of Lot #39, except the West 14 feet thereof, together with the North 4 feet of Lots #40, #41 and #42 all in said Wiebke's Homestead Addition, Section "A".

The foregoing description is that part of the 8 foot wide utility easement platted in Wiebke's Homestead Addition, Section "A":



which lies West of the West right-of-way line of Beaver Avenue and East of the East line of the 14 foot wide sewer easement established in paragraph 9 of Document #72-00769 and East of the East line of the 14 foot wide sewer easement established in paragraph 10 of said Document #72-00769.

ALSO PROPOSED FOR VACATION are the following described side lot easements established in the restrictive covenants for Wiebke's Homestead Addition, Section "A":

The East 3 feet of Lot #15; the West 3 feet of Lot #16; the East 3 feet of Lot #16; the West 3 feet of Lot #17; the East 3 feet of Lot #17; the West 3 feet of Lot #18; thence East 3 feet of Lot #39; the West 3 feet of Lot #40; the East 3 feet of Lot #40; the West 3 feet of Lot #41; the East 3 feet of Lot #41; the West 4 feet of Lot #42; the South 3 feet of Lot #42; the West 4 feet of Lot #43; the North 3 feet of Lot #43.

Part of the easement for utility purposes established in Wiebke's Homestead Addition, Section "A", the plat of which is recorded in Plat Record 11, page 24 in the Office of the Recorder of Allen County, Indiana, said easement being 8 feet in width and said part being more particularly described as follows, to with:

The South 4 feet of Lot #15, except the West 39 feet thereof, together with the South 4 feet of Lots #16, #17, and #18, all in said Wiebke's Homestead Addition, Section "A", also together with the North 4 feet of Lot #39, except the West 14 feet thereof, together with the North 4 feet of Lots #40, #41 and #42 all in said Wiebke's Homestead Addition, Section "A".

The foregoing description is that part of the 8 foot wide utility easement platted in Wiebke's Homestead Addition, Section "A", which lies West of the West right-of-way line of Beaver Avenue and East of the East line of the 14 foot wide sewer easement established in paragraph 9 of Document #72-00769 and East of the East line of the 14 foot wide sewer easement established in paragraph 10 of said Document #72-00769.

ALSO PROPOSED FOR VACATION are the following described side lot easements established in the restrictive covenants for Wiebke's Homestead Addition, Section "A":

The East 3 feet of Lot #15; the West 3 feet of Lot #16; the East 3 feet of Lot #16; the West 3 feet of Lot #17; the East 3 feet of Lot #17; the West 3 feet of Lot #18; thence East 3 feet of Lot #39; the West 3 feet of Lot #40; the East 3 feet of Lot #40; the West 3 feet of Lot #41; the East 3 feet of Lot #41; the West 4 feet of Lot #42; the South 3 feet of Lot #42; the West 4 feet of Lot #43; the North 3 feet of Lot #43.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
 Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
 Redd, Schmidt, Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
 City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-17-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
 City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
 City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
 Mayor

BILL NO. S-86-04-26

SPECIAL ORDINANCE NO. S-73-86

AN ORDINANCE approving City Utilities Purchase Order #A-53159, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing with the M & T Plastics of Maryland Company, for the Water Pollution Control Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #A-53159, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing with the M & T Plastics of Maryland Company, for the Water Pollution Control Plant, respectfully for:

the purchase of 2000' of Polyethelene Pipe for the Water Pollution Control Plant;

involving a total cost of Ten Thousand Eight Hundred Sixty and No/100 Dollars (\$10,860.00), all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
 Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-73-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-04-27

SPECIAL ORDINANCE NO. S-74-86

AN ORDINANCE approving Civil City Purchase Order #A-47152, with the Tri River Tractor Company, through the Board of Public Works and Safety for the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-47152, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing and the Board of Public Works and Safety, respectfully for:

the purchase of 2", 3", and 6" pumps through the Board of Public Works and Safety, per the specifications in reference #2769;

involving a total cost of Forty-One Thousand Four Hundred Fifty and No/100 Dollars (\$41,450.00), all as more particularly set forth in said Purchase Order, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-74-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-04-28

SPECIAL ORDINANCE NO. S-75-86

AN ORDINANCE approving the Contract for Sewer Improvement Res. #417-85 - Woodhurst-Belmont Storm Sewer, between the City of Fort Wayne, Indiana, and All Star Excavating, in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Contract for Sewer Improvement Res. #417085, Woodhurst-Belmont Storm Sewer, between the City of Fort Wayne, and All Star Excavating, in connection with the Board of Public Works and Safety, for:

Phase I, is intended and adapted for receiving drainage from collateral drains already constructed or which hereafter may be constructed: across the W. 1/2 of the SW Quarter of Sec. 23, Township 30 No., Range 12 E.: Allen County, within the immediate area described: Bounded on the S. by the S. right-of-way of Fairfax Ave.; bounded on the W. by a line 45' W. of and parallel to the W. right-of-way of Old Mill Rd., N. to the centerline of vacated Roxbury Dr.; bounded on the W. by the W. right-of-way of Old Mill Road; Bounded on the N. by and S. right-of-way of Pettit Avenue; bounded on the E. by the E. right-of-way of Old Mill Rd. PHASE I - MAIN LINE: Beginning at a proposed Structure #1 located 10± L.F. of the centerline of Fairfax Avenue and 42 ± LF W. of the centerline of Old Mill Rd.; thence Northwesterly 248 ± LF to Structure #2; thence Northerly 184 ± LF to proposed Structure #3; thence N. 481 ± LF to proposed Structure #6; thence Northeast 242 ± LF to proposed Structure #9; thence N. 457 ± LF to proposed Structure #12. Said sewers shall be 27", 30" and 33" in diameter;

the Contract price is One Hundred Twenty-Eight Thousand Eight Hundred Fifteen and No/100 Dollars (\$128,815.00), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force

and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-13-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-75-86 on the 13th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 14th day of May, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## SPECIAL ORDINANCE NO. S-76-86

AN ORDINANCE fixing and establishing compensation for firefighters of the City of Fort Wayne, Indiana, for the years 1986, 1987 and 1988

WHEREAS, the City and the Fort Wayne Professional Firefighters Union, Local #124, have been in the process of collective bargaining with respect to compensation to be paid to firefighters represented by the Fort Wayne Professional Firefighters Union, for the years 1986, 1987 and 1988;

WHEREAS, a labor agreement has been reached by and between the City and the Fort Wayne Professional Firefighters Union with respect to wages and other matters for the years 1986, 1987 and 1988;

WHEREAS, Indiana law requires an annual "fixing" of salaries and, thus, the salary figures for the years 1987 and 1988 must be fixed and established once again by the Board of Public Works and Safety and the Common Council for those years, in conformance with appropriate budgetary restrictions;

WHEREAS, the Board of Public Works and Safety, pursuant to I.C. 36-8-3-3(d) has established wages for firefighters for the year 1986 and will consider, at a subsequent time, 1987 and 1988 wages as agreed to by and between the City and the Firefighters Union; and

WHEREAS, this Council is asked to ratify, fix and establish wages for firefighters for the year 1986 and to further consider wages for firefighters for the years 1987 and 1988, such consideration to be done at the appropriate time in conformance with state law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following compensation is hereby established and fixed for firefighters for the year 1986:

First Class Firefighter	\$20,775.19
Lieutenant	\$22,159.44
Captain	\$23,008.52
Platoon Captain	\$23,740.16

These wages, as herein fixed and established, shall be retroactive to April 1, 1986. In addition, first-year

firefighters shall be paid at the rate of eight-five percent (85%) of a first class firefighter; a second-year firefighter shall be paid at the rate of ninety percent (90%) of such base; and a third-year firefighter shall be paid at the rate of ninety-five percent (95%) of such base.

SECTION 2. As herein indicated, the City has bargained with the Firefighters Union for the years 1987 and 1988 and these figures are:

1987

First Class Firefighter	\$21,606.20
Lieutenant	\$23,045.82
Captain	\$23,928.77
Platoon Captain	\$24,689.77

1988

First Class Firefighter	\$22,470.45
Lieutenant	\$23,967.65
Captain	\$24,886.02
Platoon Captain	\$25,677.36

These wages for the years 1987 and 1988 shall be paid subject to subsequent approval by the Board of Public Works and Safety and the Common Council.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-76-86, on the 27th day of May, 1986.

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-03

SPECIAL ORDINANCE NO. S-77-86

AN ORDINANCE approving Civil City  
Purchase Order #47462, with the  
Ream-Steckbeck Paint Company, for  
the Community Development and Planning  
Department of the City of  
Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #47462, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with the Ream-Steckbeck Paint Company, for the Community Development and Planning Department, respectfully for:

the purchase of exterior latex house paint,  
through the Community Development and  
Planning Department, per the specifications  
in reference #1251;

involving a total cost of Nine Thousand Nine Hundred Forty-Five and No/100 Dollars (\$9,945.00), all as more particularly set forth in said Purchase Order and reference #1251, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 5-27-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-77-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-04

SPECIAL ORDINANCE NO. S-78-86

AN ORDINANCE approving the awarding of Reference #1246, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and The Uniform House, Inc., and Ray O'Herron Co., Inc., respectively, for the Fort Wayne Police Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Reference #1246, between the City of Fort Wayne, by and through its Department of Purchasing and The Uniform House, Inc., and Ray O'Herron Co., Inc., respectively, for the Fort Wayne Police Department, respectfully for:

the purchase of police uniforms and equipment for the Fort Wayne Police Department;

involving a total cost of Twenty-Five Thousand Nine Hundred Thirty-Six and No/100 Dollars (\$25,936.00), (The Uniform House, \$19,266.00; Ray O'Herron, \$6,670.00), all as more particularly set forth in said Reference #1246, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember



Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 5-27-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-78-86 on the 27th day of May, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-05

SPECIAL ORDINANCE NO. S-79-86

AN ORDINANCE approving Civil City Purchase Order #47447, with the Treaty Company, for the Street Engineering Department through the Board of Public Works and Safety, of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #47447, between the City of Fort Wayne, by and through the Civil City Purchasing Agent and the Department of Purchasing, with the Treaty Company, for the Street Engineering Department through the Board of Public Works and Safety, respectfully for:

the purchase of verticle curb casting, flat catch basin inlets, and roll curb castings for the Street Engineering Department through the Board of Public Works and Safety, per the specifications in reference #2806;

involving a total cost of Twenty-Three Thousand Four Hundred Nineteen and 65/100 Dollars (\$23,419.65), all as more particularly set forth in said Purchase Order and Reference #2806, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
       Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
       Schmidt, Stier, Talarico  
 NAYS: None  
 ABSTAINED: None  
 ABSENT: None

DATE: 5-27-86                      Sandra E. Kennedy  
    City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-79-86 on the 27th day of May, 1986.

ATTEST:                              (SEAL)

Sandra E. Kennedy                      Samuel J. Talarico  
       City Clerk                      Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
       City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
       Mayor

BILL NO. R-86-05-07

#### DECLARATORY RESOLUTION NO. R-40-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I. C. 6-1.1-12.1 for property commonly known as 120-128 and 150-168 East Collins Drive, Fort Wayne, Indiana. (Beld-Collins, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

(120-128 East Collins)  
 Part of Block A in Enterprise Center, Section I, as recorded in Plat Book 32, page 69, in the Office of the Allen County Recorder, described as follows:

Commencing at a point on the North line of said Block A, 850 feet West of the Northeast corner thereof; thence South at a right angle to said North line, 375.5 feet to the point of beginning; thence continuing South at a right angle to said North line, 100 feet to the South line of said Block; thence West on said South line 185.0 feet to the Southwest corner of Block A; thence North with a deflection angle to the right of 90 degr. 19 min. 30 sec. along the West line of Block A, a distance of 100.0 feet; thence East parallel to the North line of Block A, a distance of 184.44 feet to the point of beginning, containing 0.424 acres.

(150-168 East Collins)  
Part of Block A in Enterprise  
Center, Section I, as recorded in  
Plat Book 32, page 69, in the  
Office of the Allen County  
Recorder, described as follows:

Commencing at a point on the North  
line of said Block A, 700 feet West  
of the Northeast corner thereof;

thence South at the right angle to  
said North line, 375.5 feet to the  
point of beginning; thence  
continuing South at a right angle  
to said North line 100 feet to the  
South line of said Block; thence  
West on said South line 150.0 feet;  
thence North 100 feet; thence East  
150.00 feet, containing 0.344 acres

said property more commonly known as 120-128 and 150-168 East  
Collins Drive, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the  
Committee on Finance and the Department of Economic Development  
concerning said Resolution;

WHEREAS, notice of the adoption and substance of said  
Resolution has been published in accordance with I.C. 5-3-1 and a  
public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has  
already been designated an allocation area under I.C. 36-7-14-39,  
the Fort Wayne Redevelopment Commission has adopted a Resolution  
approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously  
designating the above described property an "Economic  
Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property  
is hereby declared an "Economic Revitalization Area" pursuant to  
I.C. 6-1.1-12.1, said designation to begin on the effective date  
of this Resolution and continue for a one (1) year period. Said  
designation shall terminate at the end of that one (1) year  
period.

SECTION 3. That, said designation of the hereinabove  
described property as an "Economic Revitalization Area" shall  
only apply to a deduction of the assessed value of real estate.

SECTION 4. That it is the preliminary intent of  
Common Council to recommend a six (6) year deduction from the  
assessed value of the real property. However, pursuant to  
I.C. 6-1.1-12.1-3(b), final determination of the length of the  
entitled deduction will not be made by Common Council until  
receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full  
force and effect from and after its passage and any and all  
necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta,  
seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-40-86 on the 27th day of May, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-05-09

DECLARATORY RESOLUTION NO. R- 41-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 710 Ley Road, Fort Wayne, Indiana. (All Phase Real Estate Company, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Lot "B" in the Plat of Merchandise Place Addition to the City of Fort Wayne, Indiana, as recorded in Plat Book 29, pages 146-148, on file in the Office of the Recorder of Allen County, Indiana, EXCEPT that part hereof containing 41.448 square feet, more or less, as described in the conveyance thereof by Schlatter Hardware, Inc., to State Farm Mutual Automobile Insurance Company by deed dated April 15, 1977, recorded in the Office of the Recorder of Allen County, State of Indiana, on April 26, 1977, as Instrument K 1861;

said property more commonly known as 710 Ley Road, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for a one (1) year period, from the time the previous designation elapses (August 29, 1986), until August 29, 1987. Said designation shall terminate at the end of that one (1) year period, on August 29, 1987.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3(b), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-41-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-05-26

## DECLARATORY RESOLUTION NO. R-42-86

A DECLARATORY RESOLUTION designating  
an "Economic Revitalization Area"  
under I.C. 6-1.1-12.1 for property  
commonly known as Cook Road -- Office  
and Industrial Park, Fort Wayne,  
Indiana. (Mark P. Shambaugh, Petitioner)

WHEREAS, Petitioner has duly filed its petition dated May 17, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

A part of the East 1/2 of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Section 11; thence South 89 degrees 37 minutes 35 seconds East (assumed direction bearing), a distance of 1312.89 feet to a point that is midway between the said Southwest corner of Section 11 and the South 1/4 corner of Section 11, said point being the point of beginning of this described tract of land; thence North 00 degrees 10 minutes 01 seconds West, a distance of 2650.75 feet to the East-West centerline of said Section 11, said point being the mid-point between the West 1/4 corner and the center point of said Section 11; thence South 89 degrees 42 minutes 23 seconds East on the East-West centerline a distance of 1243.15 feet to the Westerly line of an existing 100 feet wide railroad right-of-way 89 degrees 42 minutes 23 seconds West 63.57 feet from the aforesaid center of Section 11; thence South 00 degrees 21 minutes 17 seconds West on aforementioned Westerly right-of-way line of railroad, a distance of 2652.37 feet to the South line of the Southwest 1/4 of said Section 11; said point being North 89 degrees 37 minutes 35 seconds West 93.88 feet from the South quarter corner of said Section 11; thence North 89 degrees 37 minutes 35 seconds West on the South line of said Southwest 1/4 section, a distance of 1219.01 feet to the place of beginning, containing 74.94 acres more or less.

SUBJECT To the Tall Structures Act of 1957, and the South 50 feet thereon for rights-of-way for the Cook Road, and any other legal drainage easement and/or grant thereon.

said property more commonly known as Cook Road - Office & Industrial Park, Fort Wayne, Indiana;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

## SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate improvements.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-42-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## DECLARATORY RESOLUTION NO. R-43-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2905 Reynolds Street, Fort Wayne, Indiana 46803 (Home Guard Industries, Inc., Petitioner)

WHEREAS, Petitioner has duly filed its petition dated May 15, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

Lots No. 21, 22 and 23 of Hagerman's Subdivision of Lot No. 23 of Bird's Partition to the City of Fort Wayne, Indiana;

said property more commonly known as 2905 Reynolds Street, Fort Wayne, Indiana 46803;

WHEREAS, it appears that said petition should be processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for one (1) year thereafter. Said designation shall terminate at the end of that one-year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from said department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;
- (d) If this Resolution involves an area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of both real estate and personal property for new manufacturing equipment.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a six (6) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.



SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-43-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-86-04-20

ZONING MAP ORDINANCE NO. Z-04-86

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. F-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R3 (Multi-Family Residential) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot #5, Summit Place Amended Addition, as amended plat of lots 1, 2, 3, 4, 5, 7, 8 27 and 28 of Summit Place Addition to the City of Fort Wayne, Indiana, according to the plat recorded in Plat Record 15, page 28 in the Office of the Recorder of Allen County.

and the symbols of the City of Fort Wayne Zoning Map No. F-3, as established by Section 11 of Chapter 33 of the code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Talarico  
NAYS: One  
Stier  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-04-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-86-04-21

ZONING MAP ORDINANCE NO. Z-05-86

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated an R3 (Multi-Family Residential) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot Numbered 49 except the West one half of  
Maysville Heights Addition to the City of  
Fort Wayne,

and the symbols of the City of Fort Wayne Zoning Map No. R-14, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by Henry, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-05-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,

Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. Z-85-08-40

ZONING MAP ORDINANCE NO. Z-LOST

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. F-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-A (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Two (2) acres of land in Lot No. 11, Samuel Edsall's Subdivision in Lagro Reserve in Section 8, Township 30 North, Range 12 East, Allen County, Indiana, being more particularly described as follows, to-wit: Beginning at the Northeast corner of Lot No. 11 Samuel Edsall's Subdivision in Lagro Reserve in Section 8, Township 30 North, Range 12 East, Allen County, Indiana; thence south 89 degrees, 44 minutes west, along the north line of said Lot No. 11, a distance of 210 feet; thence due south parallel to the east line of said Lot No. 11, a distance of 414.86 feet to an iron pin; thence 89 degrees, 46 minutes east parallel to the north line of said Lot No. 11, a distance of 210 feet to an iron pin; thence due north, along the east line of said Lot No. 11, Samuel Edsall's Subdivision in Lagro Reserve in Section 8, Township 30 North, Range 12 East a distance of 414.86 feet to the place of beginning, containing two (2) acres of land more or less,

and the symbols of the City of Fort Wayne Zoning Map No. F-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd  
Councilmember

BILL NO. S-86-05-10

SPECIAL ORDINANCE NO. S-80-86

AN ORDINANCE approving Change Order No. 1  
and FINAL for Res. 416-85, Paulding  
Road-Decatur Road Point Repairs,  
with Land Excavating, Inc.,  
in connection with the Board of  
Public Works and Safety, of the  
City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 and FINAL for  
Res. 416-85, Paulding Road-Decatur Road Point Repairs, with Land  
Excavating, Inc., in connection with the Board of Public Works  
and Safety, for:

This Change Order reflects decrease  
items not necessary as part of  
subject project. Further, it  
allows for the modification of  
existing structures to accommodate  
the 42" RCP Class V; thereby  
making this a decrease change  
order;

involving a net decrease of Five Thousand Sixty-Six and No/100  
Dollars (\$5,066.00), all as more particularly set forth in the  
specifications, and which is on file with the Office of the Board  
of Public Works and Safety, and is by reference incorporated  
herein, made a part hereof and is hereby in all things ratified,  
confirmed and approved.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and any and all necessary  
approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-80-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-11

SPECIAL ORDINANCE NO. S-81-86

AN ORDINANCE approving Contract for Res. #6042-86, Michigan Avenue '86 Curbs and Walks, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Hipskind Concrete, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. #6042-86, Michigan Avenue '86, Curbs and Walks, by the City of Fort Wayne, by and through its Board of Public Works and Safety and Hipskind Concrete, Inc., is hereby ratified, and affirmed and approved in all respects. The work under said Contract requires:

Contract for Res. #6042-86 is deemed necessary to improve by replacing curbs and sidewalks on (1) Thompson Avenue from Guthrie to Michigan - Base Bid; (2) Thompson Avenue from Michigan to Taylor - Alternate I;

the Contract price is Fifty-Eight Thousand Five Hundred Seventy-Four and 50/100 Dollars (\$58,574.50).

SECTION 2. Prior Approval was requested from Common Council with respect to this Contract on May 13, 1986. Two (2) copies of the Contract attached hereto are on file in with the City Clerk, and are available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-81-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City ClerkSamuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-12

SPECIAL ORDINANCE NO. S-82-86

AN ORDINANCE approving the Contract for Res. #6043-97 - Fairfield '86 Curbs and Walks, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Hipskind Concrete, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. #6043-86 - Fairfield '86, Curbs and Walks, by the City of Fort Wayne, by and through its Board of Public Works and Safety and Hipskind Concrete, Inc., is hereby ratified, and affirmed and approved in all respects. The work under said Contract requires:

improvement by replacing curbs and sidewalks on Hoagland Avenue from Pontiac to Wildwood. This area is also known as Fairfield '86;

the Contract price is Fifty Thousand Seventy-Nine and No/100 Dollars (\$50,079.00).

SECTION 2. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry<sup>1</sup>, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-82-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-13

SPECIAL ORDINANCE NO. S- 83-86

AN ORDINANCE approving the Contract for Res. #6041-86 - Oxford '86, Curbs and Walks, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Hipskind Concrete, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. #6041-86 - Oxford '86, Curbs and Walks, by the City of Fort Wayne, by and through its Board of Public Works and Safety and Hipskind Concrete, Inc., is hereby ratified, and affirmed and approved in all respects. The work under said Contract requires:

improving curbs and sidewalks on Warsaw  
Street from Boltz to Dalman (Base Bid);

the Contract price is Forty-Two Thousand Seven Hundred Forty-Nine and 80/100 Dollars (\$42,749.80).

SECTION 2. Prior Approval was requested from Common Council with respect to this Contract on May 13, 1986. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-83-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-14

SPECIAL ORDINANCE NO. S- 84-86

AN ORDINANCE approving the Contract for Improvement Resolution #6037-86, Curbs and Sidewalks, Pontiac Place 1986, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Gaines Construction Company

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Improvement Res. #6037-86, Curbs and Sidewalks, Pontiac Place 1986, by the City of Fort Wayne, by and through its Board of Public Works and Safety and Gaines Construction Company, is hereby ratified, and affirmed and approved in all respects. The work under said Contract requires:

replacing curbs and sidewalks on Alexander Street from Colerick to Oxford. This area is also known as Pontiac Place '86;

the Contract price is Sixty-Nine Thousand Nine Hundred Fifty and No/100 Dollars (\$69,950.00).

SECTION 2. Prior Approval was requested from Common Council with respect to this Contract on May 13, 1986. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk



Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-84-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-15

SPECIAL ORDINANCE NO. S-85-86

AN ORDINANCE approving Contract for Res. #6058-86 - Hanna Creighton '86 Curbs and Sidewalks, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Gaines Construction Company, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. #6058-86 - Hanna-Creighton '86, Curbs and Walks, by the City of Fort Wayne, by and through its Board of Public Works and Safety and Gaines Construction Company, Inc., is hereby ratified, and affirmed and approved in all respects. The work under said Contract requires:

replacing curbs and sidewalks on Hanna Street from Buchanan to Taber. This area also known as Hanna-Creighton '86;

the Contract price is Forty-Eight Thousand Three Hundred Thirteen and 50/100 Dollars (\$48,313.50).

SECTION 2. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-85-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-21

SPECIAL ORDINANCE NO. S-86-86

AN ORDINANCE approving the Contract for Res. #6039-86 - Hoagland-Masterson NPI '86, Curbs, Walks, Drive Approaches and Lighting, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and M.A. Gaines Construction Company

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. #6039-86 - Hoagland-Masterson NPI '86, Curbs, Walks, Drive Approaches and Lighting, by the City of Fort Wayne, by and through its Board of Public Works and Safety and M.A. Gaines Construction Company, is hereby ratified, and affirmed and approved in all respects. The work under said Contract requires:

improving curbs, sidewalks, drive approaches and street lighting on Hoagland Avenue from Williams Street to Creighton Ave. This area is also known as Hoagland/Masterson NPI '86;

the Contract price is Sixty-One Thousand Five Hundred Ninety-Three No/100 Dollars (\$61,593.00).

SECTION 2. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Thomas C. Henry  
Councilmember

Read the third time in full and on motion by Henry, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-86-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-16

SPECIAL ORDINANCE NO. S-87-86

AN ORDINANCE approving City Utilities Purchase Order #53272, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Double Envelope Corporation for the Office Services Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order #53272, between the City of Fort Wayne, by and through its City Utilities, and the Department of Purchasing and the Double Envelope Corporation, for the Office Services Department, respectfully for:

the purchase of carrier and return envelopes for the Office Services Department, per the specifications in reference #778;

involving a total cost of Seventeen Thousand Four Hundred and No/100 Dollars (417,400.00), all as more particularly set forth in said Purchase Order and Reference #778, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-87-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-17

SPECIAL ORDINANCE NO. S- 88-86

AN ORDINANCE approving Change Order #2, for Contract 84-W-2, Northwest Pump Station, Div. II, with Indiana Construction Corporation, in connection with the Board of Public Works and Safety, of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order #2, for Contract 84-W-2, Northwest Pump Station, Div. II, with Indiana Construction Corporation, in connection with the Board of Public Works and Safety, for:

eliminating a drainage problem to the west of the pump station property and to eliminate correlation problem with the Southwest Reservoir;

involving a net decrease of Four Hundred Thirty-Five and 18/100 Dollars (\$435.18), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-88-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-18

SPECIAL ORDINANCE NO. S-89-86

AN ORDINANCE approving Change Order No. 2, Contract 85-W-2, Southwest Pump Station, with The Robert Henry Corporation, in connection with the Board of Public Works and Safety, of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2, Contract 85-W-2, Southwest Pump Station, with The Robert Henry Corporation, in connection with the Board of Public Works and Safety, for:

Change Order #2, Contract 85-W-2, Southwest Pump Station, is due to cost for heating pump station being more efficient in the long term for gas rather than electricity. This is the time and materials work to have pump station contractor complete the interconnection piping to trying and make the connection process a little easier. A 4' and 12' drain tile was encountered during the work that were unknown and they required relocation. Cost of contractor-purchased extra materials that were not placed in the work. Footage required for storm sewer construction exceeded the plan quantity by 87 feet. Delete radio equipment from contract due to City handling this item direct;

involving a net increase of Eighty-One Thousand Two Hundred Forty-Six and 39/100 Dollars (\$81,246.39), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry,  
Redd, Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-89-86 on the  
27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 28th day of May, 1986, at the hour of 11:30  
o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986,  
at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-19

SPECIAL ORDINANCE NO. S-90-86

AN ORDINANCE approving City Utilities  
Purchase Order #A-53197, by the City  
of Fort Wayne, Indiana, by and through  
its Department of Purchasing and the  
Fiberglass Fabrication Co., Inc.,  
for the Street Lighting Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order  
#A-53197, between the City of Fort Wayne, by and through its City  
Utilities, and the Department of Purchasing and the Fiberglass  
Fabrication Co., Inc., for the Street Lighting Department,  
respectfully for:

the purchase of fiberglass poles for the  
Street Lighting Department;

involving a total cost of Nine Thousand and No/100 Dollars  
(\$9,000.00), all as more particularly set forth in said Purchase  
Order, which is on file in the Office of the Department of  
Purchasing, and is by reference incorporated herein, made a part  
hereof, and is hereby in all things ratified, confirmed and  
approved.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and any and all necessary  
approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by, seconded  
by, and duly adopted, placed on its passage. PASSED by the  
following vote:

AYES:  
NAYS:  
ABSTAINED:  
ABSENT:

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-90-86 on the 27th  
day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-20

SPECIAL ORDINANCE NO. S-91-86

AN ORDINANCE approving the Contract for Res. #420-86, Phase II, Miami Village Apartments Storm Sewer Improvement, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety and Land Excavating, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. #420-86, Phase II, Miami Village Apartments Storm Sewer Improvement, by the City of Fort Wayne, by and through its Board of Public Works and Safety and Land Excavating, Inc., is hereby ratified, and affirmed and approved in all respects. The work under said Contract requires:

The Contract for Res. \$420-86, Miami Village Storm Sewer Separation is described per the attached Resolution;

the Contract price is One Hundred Fifty-Four Thousand Two Hundred and No/100 Dollars (\$154,200.00).

SECTION 2. Prior Approval was requested from Common Council with respect to this Contract on May 13, 1986. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine  
Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-91-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-01 (AS AMENDED)

SPECIAL ORDINANCE NO. S-92-86

AN ORDINANCE amending the Municipal Code of the City of Fort Wayne, Indiana, by deleting Chapter 5 thereof and replacing therewith an entire new Chapter entitled "Amusements"

WHEREAS, the Municipal Code of the City of Fort Wayne, Indiana, presently contains a Chapter 5, entitled "Amusements"; and

WHEREAS, this Chapter has not been reviewed nor amended since 1946; and

WHEREAS, many sections in this Chapter are either covered by State statute, are obsolete, or should be revised to agree with other chapters of this Municipal Code for continuity;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 5 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by deleting therefrom the present language and replacing therewith the language noted on the attached "Exhibit A" and made a part hereof, which now constitutes Chapter 5.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor, and legal publication thereof.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Bradbury, Eisbart, Henry, Redd, Schmidt, Stier,  
Talarico  
NAYS: Two  
Burns, GiaQuinta  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk



Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-92-86 on the 27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of May, 1986, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986, at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## Article I. Amusement Machine Locations

### New Sec. 5-1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**AMUSEMENT MACHINE.** Any machine or device which is operated for public use upon premises solely within one enclosure and which is operated or put into operation in whole or in part by the insertion of a coin, token or similar object including coin operated pooltables; provided, that the term "amusement machine" does not include coin operated musical devices, any machine or device used exclusively for vending or the vending of merchandise. Nothing herein shall be construed to permit the use of any device prohibited by law or the use of any device in any manner prohibited by law.

**AMUSEMENT MACHINE LOCATION.** The location, or operation by any person, of an amusement machine as defined in this section in any place where the public is admitted.

**DISTRIBUTOR.** Any person who sells, leases, rents or otherwise distributes or places for use, play or operation amusement machines at any amusement machine location. "Distributor" shall also mean the holder of any amusement machine location license.

### New Sec. 5-2. Distributor's license.

A distributor's license shall be required and obtained, and the annual distributor's license fee payable to the city controller shall be fifty dollars (\$50.00) per year. The license will expire on January 31 of each year.

### New Sec. 5-3. Location Licenses -- Required; application and fee generally.

No person shall own, operate or permit operation of an amusement machine on premises owned, leased or operated by him, or engage in the business of operating an amusement machine in the city unless an annual amusement machine location license has been obtained, as provided in this article.

An application for amusement machine location license shall be obtained upon application to the city controller and the payment of an annual license fee of fifty dollars (\$50.00) for each amusement machine location. A distributor who ceases doing business at a location for which it has obtained a location license shall so notify the city controller, in writing, on forms provided by the controller within 10 (ten) days from the date the business terminated at the location. Any distributor who fails to comply with the above notification provision shall not be allowed to transfer the location permit for that location nor be allowed a credit, in any form, for the unused period for which the permit was issued.

New Sec. 5-4. Issuance and display of location license; inspections.

Upon receipt of the application and fee for a license the city controller shall cause an amusement location machine license to be prepared. The city controller shall then refer the application and a license to the police department of the city which shall cause the amusement machine location to be promptly inspected. If the location inspected fulfills ordinance requirements, the police department will deliver a license to the location and the license will be deemed to be issued.

Thereafter, the police department shall make at least one annual inspection during the license year to determine whether the amusement machines therein located are operated or equipped for operation in violation of the law of the state or of this article and such police department may make additional inspections at any time.

The date of each inspection shall be written on the license by a member of the police department, on the date of such inspection.

New Sec. 5-5. Same -- Signatures and information on application for location licenses.

An application must be signed by the applicant in the case of a sole proprietorship. In case the applicant is a partnership, all partners must sign the application. In case the applicant is a corporation, all authorized officers must sign the application and indicate their official position. The information required in the application form must be furnished as to each person signing the application. Each application shall be accompanied by the required licensing fee and shall contain the following information:

- (a) The applicant's full name;
- (b) The applicant's residence address and telephone number;
- (c) The applicant's business address and business telephone number;
- (d) The address of the proposed amusement machine location;
- (e) The name and address of every person who has any interest in the amusement machine location, and the nature of that interest;
- (f) Whether or not the applicant has been convicted of any felony, or of any other misdemeanor;
- (g) A statement whether the location has ever been the site of an arrest for illegal dispensing of alcoholic beverages.

All amusement machine location licenses issued by the city for and existing at the effective date of this article shall continue until the expiration of the term of such license. Thereafter such amusement machine location license shall be obtained in accordance with the provisions of section 5-3 and other applicable provisions of this article.

New Sec. 5-6. Amusement machine license.

Such amusement machine license shall be obtained by the distributor or amusement machine location person in charge of maintaining the location from the city controller on the payment of an annual license fee of five dollars (\$5.00) for each amusement machine in use. A sticker shall be issued for each machine and placed thereon with the distributor's number printed on such sticker. Proper displaying means that such sticker shall be so affixed to the amusement machine so as to be visible to any person entering the establishment. If the sticker is damaged or removed, it shall be the responsibility of the person in charge of maintaining the location to obtain a new sticker at a five dollar (\$5.00) fee per reissued sticker. Any amusement machine not so bearing such sticker shall be confiscated. After the machine license and sticker is obtained, the machine can be returned to the owner. A storage fee of five dollars (\$5.00) per day will be charged for all confiscated machines and the fee is payable to the city controller. It is the responsibility of the owner to pick up the machine and if not claimed within a six month time period, it becomes the property of the city controller. Any amusement machine confiscated and is in violation of Section 5-5 or 5-7, shall not be returned and immediately becomes the property of the city controller.

## New Sec. 5-7. Restrictions.

- (a) An amusement machine location license shall not be issued to any person who has been convicted under the laws of the State of Indiana of any gambling offense, or to any corporation or partnership, a member or principal shareholder who has been convicted under the laws of the State of Indiana of any gambling offense. No gambling activities shall be conducted on the premises of an amusement machine location under this article.
- (b) The license required and described in section 5-3 is transferable upon application to the city controller and after payment of a transfer fee to be set from time to time by the controller.
- (c) Each amusement machine in any amusement machine location shall have an amusement license tag or sticker attached to it.
- (d) No amusement machine location shall exist within one thousand feet of a church or school; provided, that the word "school" shall not be taken to include a university or college or institute of higher education.

This article shall not apply to any room or area which is maintained by or for a benevolent, religious, educational, civic, patriotic, fraternal or philanthropic organization or purpose.

## New Sec. 5-8. Violations.

It shall be unlawful for any person or distributor to operate or place in operation any amusement machine at any amusement machine location without first obtaining an amusement machine location license and having each amusement machine in his possession display one license sticker attached to each amusement machine showing a valid license therefor; and it shall be unlawful for any person to act as a distributor without first having obtained a distributor's license from the city controller or having obtained an amusement machine license.

Any person shall be subject to, for every violation of this article, revocation of its distributor or amusement machine location license as provided for in Indiana State Statute I.C. 36-4-5-5.

## New Article II. Theaters and Moving Picture Houses.

## Division 1. Generally

## New Sec. 5-9. License -- Required.

It shall be unlawful for any person to own, control, maintain or operate, or open, or cause to be opened, controlled, maintained or operated within the city any theater or moving picture house or room where moving pictures are exhibited where an entry fee is charged without having first procured a license from the city controller to do so.

## New Sec. 5-10. Same -- Application, Renewal, Term.

Any person desiring to maintain, operate or open in the city any theater, moving picture house or room wherein moving pictures are exhibited, shall apply to the city controller for a license to do so upon application forms to be furnished by the controller, giving the location and street number, telephone number, and owner name where such theater or moving picture house or room is located and the character of the performances to be given, and upon the payment of the proper license fee, the city controller shall issue such license, which shall be in force for one year only and expire annually on August 31st. Applications for renewals of licenses must be filed not more than 60 days prior to termination of the existing permit.

## New Sec. 5-11. Same -- Fees.

The fees for licenses to be paid the controller shall be three hundred dollars (\$300.00) where alcoholic beverages are sold and two hundred dollars (\$200.00) where no alcoholic beverages are sold.

## Division 2. Outdoor Drive-Ins.

## New Sec. 5-12. Defined.

"Outdoor drive-in theater" as used in this article shall mean an open lot, an open area or other parcel of land, or part thereof, with its appurtenant facilities, devoted primarily to showing of moving pictures, motion pictures, or theatrical productions, on a paid admission basis, to patrons seated in automobiles or on outdoor seats.

New Sec. 5-13. License -- Required.

It shall be unlawful for any person to operate or maintain a theater within the city without having a valid license therefor in force and effect under the terms and provisions of this article.

New Sec. 5-14. Same -- Application.

Application for license issued hereunder shall be made upon application forms to be prepared and made available by the city controller and shall state:

- (a) The name and business address of the applicant and the address where such outdoor drive-in theater is located or is proposed to be located, and the business telephone number, home address, and home telephone number of the applicant.
- (b) The number of automobiles and patrons which the outdoor drive-in theater is designed to accommodate.
- (c) The hours of operation of such theater.
- (d) The general character of the performances to be given.

New Sec. 5-15. Same -- Fees; renewal date.

An application for license hereunder shall be accompanied by a non-refundable license fee of seventy-five dollars (\$75.00). Any license issued hereunder shall be renewable on the first day of May of each succeeding year after the date of issuance.

New Sec. 5-16. Same -- Issuance; renewal.

Within fifteen days after receipt of an application as provided herein, the city controller shall issue or renew a license hereunder when he finds:

- (a) That the applicant is capable of operating the proposed business in a manner consistent with public safety; and
- (b) That the requirements of this article and of all other governing laws and ordinances have been met.

New Sec. 5-17. Same -- Revocation of license.

Every person shall be subject to, for any violation of this article, revocation of his/her license as provided for in Indiana Statute I.C. 36-4-5-5.

New Sec. 5-18. Severability of provisions of division.

Each word, phrase, paragraph and section of this division is hereby declared to be an individual section or provision, and the holding of any word, phrase, paragraph, or section to be void, ineffective or unconstitutional for any cause whatsoever, shall not be deemed to affect any other word, phrase, paragraph or section thereof or to circumstances or facts not connected with such holding.

New Sec. 5-19. Penalty.

Any violation of this chapter shall constitute a fine of not less than three hundred dollars (\$300.00) and not to exceed one thousand dollars (\$1,000.00).

BILL NO. Z-86-04-22

ZONING MAP ORDINANCE NO. Z-06-86

AN ORDINANCE amending the City of Fort  
Wayne Zoning Map No. S-14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-1-A (Limited Business) District under the  
terms of Chapter 33 of the Code of the City of Fort Wayne,  
Indiana of 1974:

Lot 1-E together with the West 18 feet of Lot  
1-D in State/Reed Professional Office Park,  
Section I, according to the plat thereof,  
recorded in plat Record 47, pages 42-46, in  
the Office of the Recorder of Allen County,  
Indiana.

and the symbols of the City of Fort Wayne Zoning Map No. S-14,  
as established by Section 11 of Chapter 33 of the Code of the  
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Stier,  
seconded by Bradbury, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Seven  
Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt,  
Talarico  
NAYS: Two  
Bradbury, Stier  
ABSTAINED: None  
ABSENT: None

DATE: 5-27-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Zoning Map Ordinance No. Z-06-86 on the  
27th day of May, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 28th day of May, 1986, at the hour of 11:30  
o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 29th day of May, 1986,  
at the hour of 3:30 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

SPECIAL ORDINANCE NO. S-93-86

AN ORDINANCE approving Civil City Purchase Order #A-47485 with Arrow Fence Co., Inc., for the Department of Parks & Recreation of the City of Fort Wayne, Indiana

NOW, THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order #A-47485, between the City of Fort Wayne, by and through the Civil City Purchasing Agent, and the Department of Purchasing with the Arrow Fence Co., Inc., for the Department of Parks and Recreation through the Board of Park Commissioners, respectfully for:

the purchase of material and labor to install chainlink fencing at the McMillen Golf Course through the Board of Park Commissioners, per the specifications in Reference #1238;

involving a total cost of Twenty Thousand Four Hundred Nineteen and 31/100 Dollars (\$20,419.31), all as more particularly set forth in said Purchase Order and specifications in Reference #1238, which are on file in the Office of the Department of purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-93-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## RESOLUTION NO. R-45-86

A RESOLUTION authorizing the City of Fort Wayne, Indiana, to enter into a Fire Protection Contract with Zollner Corporation

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the annexed Fire Protection Contract by and between the City of Fort Wayne, Indiana, and the Zollner Corporation, is hereby approved, ratified and affirmed in all respects and that the appropriate officials of the City of Fort Wayne, Indiana, are hereby empowered to execute same.

SECTION 2. Said Fire Protection Contract is made a part hereof and two (2) copies are on file in the Office of the City Clerk and are available for public inspection.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-45-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-05-25 (as amended)

RESOLUTION NO. R-46-86

A RESOLUTION of the Common Council  
of the City of Fort Wayne, Indiana,  
ratifying parking rates utilized by  
the City of Fort Wayne

WHEREAS, the City owns/operates various parking areas  
within the City for which fees are charged; and

WHEREAS, a Common Council Resolution is necessary to  
ratify such charges.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following rates are hereby ratified  
and approved with respect to the City parking areas as herein  
indicated:

Civic Center Parking Garage Phase I - \$30 per  
month for uncovered parking space; \$40 per  
month for covered parking space; and \$48 a  
month for 24 hours availability parking  
space;

Main & Clay - \$12 per month; 300 E. Berry -  
\$25 per month; Old Fort - \$7 per month; 200  
Block W. Washington Blvd. - \$14.50 per month  
Pontiac-Calhoun -- \$7.50 per month

SECTION 2. Such rates, as herein ratified, shall  
remain subject to change, from time to time, by the Board of  
Public Works and Safety.

SECTION 3. That this Resolution shall be in full  
force and effect from and after its passage, and any and all  
necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta,  
seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One

Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Resolution No. R-46-86 on the 10th day of  
June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 11th day of June, 1986, at the hour of 11:00  
o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986,  
at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor



BILL NO. R-86-05-27

DECLARATORY RESOLUTION NO. R-47-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as Cook Road -- Office and Industrial Park, Fort Wayne, Indiana.  
(Mark P. Shambaugh, Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

A part of the East 1/2 of the Southwest 1/4 of Section 11, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of said Section 11; thence South 89 degrees 37 minutes 35 seconds East (assumed direction bearing), a distance of 1312.89 feet to a point that is midway between the said Southwest corner of Section 11 and the South 1/4 corner of Section 11, said point being the point of beginning of this described tract of land; thence North 00 degrees 10 minutes 01 seconds West, a distance of 2650.75 feet to the East-West centerline of said Section 11, said point being the mid-point between the West 1/4 corner and the center point of said Section 11; thence South 89 degrees 42 minutes 23 seconds East on the East-West centerline a distance of 1243.15 feet to the Westerly line of an existing 100 feet wide railroad right-of-way line, said point being North 89 degrees 42 minutes 23 seconds West 63.57 feet from the aforesaid center of Section 11; thence South 00 degrees 21 minutes 17 seconds West on aforementioned Westerly right-of-way line of railroad, a distance of 2652.37 feet to the South line of the Southwest 1/4 of said Section 11; said point being North 89 degrees 37 minutes 35 seconds West 93.88 feet from the South quarter corner of said Section 11; thence North 89 degrees 37 minutes 35 seconds West on the South line of said Southwest 1/4 section, a distance of 1219.01

feet to the place of beginning, containing 74.94 acres more or less.

SUBJECT To the Tall Structures Act of 1957, and the South 50 feet thereon for rights-of-way for the Cook Road, and any other legal drainage easement and/or grant thereon.

said property more commonly known as Cook Road -- Office and Industrial Park, Fort Wayne, Indiana;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property as "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for a one (1) year period. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate improvements.

SECTION 4. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3 (b), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-47-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-05-29

## DECLARATORY RESOLUTION NO. R-48-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 2905 Reynolds Street, Fort Wayne, Indiana 46803.  
(Home Guard Industries, Inc., Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1, to-wit:

Lots No. 21, 22 and 23 of Hageman's Subdivision of Lot No. 23 of Bird's Partition to the City of Fort Wayne, Indiana;

said property more commonly known as 2905 Reynolds Street, Fort Wayne, Indiana 46803;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-12-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for a one (1) year period. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall

only apply to a deduction of the assessed value of both real estate and personal property for new manufacturing equipment.

SECTION 4. That it is the preliminary intent of Common Council to recommend a six (6) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3(b), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt,  
Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-48-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-05-32

RESOLUTION NO. R-49-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana, authorizing the filing of an application with the United States Department of Commerce (Economic Development Administration) for the Tokheim Corporation Public Works and Development Grant

WITNESSETH

WHEREAS, the Public Works and Economic Development Act of 1965 authorizes the making of grants of federal funds to eligible units of local government for the purpose of carrying out public works development projects; and

WHEREAS, the City of Fort Wayne is eligible to apply for such public works development grants by virtue of certain conditions of distress; and

WHEREAS, it is in the public interest to seek a federal grant and federal grant funds to help alleviate conditions of distress that affect this community; and

WHEREAS, the City, working with a local private company, has proposed a project that appears to be suitable for a public works grant.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Mayor, as the Chief Executive, acting for and on behalf of the City, is hereby authorized and directed as follows:

a. To file an application for a Public Works and Development Grant in the sum of Three Hundred Seventy-Four Thousand Four Hundred and No/100 Dollars (\$374,400.00), with the United States Department of Commerce (Economic Development Administration), in accordance with the Department's regulations, entitled the Tokheim Corporation.

b. To serve as the authorized representation of the City of Fort Wayne in connection with the application and to provide HUD with such additional information, documentation, understandings, or assurances as may be required.

c. To execute such other documents as may be

required; to execute a contract for financial assistance if such contract is offered; and to execute any amendments and revisions thereto.

d. The Mayor may delegate any or all of the foregoing duties to any subordinate officer, board or commission directly responsible to him, as he deems necessary or appropriate; provided that such designee shall function only in the Mayor's name and no contract, agreement or arrangement negotiated by him shall be binding upon the City unless approved by the City Attorney as to form and legality, signed by the Mayor and, if it involves financial commitments by the City, ratified by the Common Council.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-49-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## DECLARATORY RESOLUTION NO. R-50-86

A DECLARATORY RESOLUTION designating an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4901, 4903 and 4907 Speedway Drive, Fort Wayne, Indiana 46825. (Michael E. & Rebecca A. Byerley and/or BMRR Properties Corp., Petitioner

WHEREAS, Petitioner has duly filed its petition dated May 27, 1986, to have the following described property designated and declared an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended, and I.C. 6-1.1-12.1, to-wit:

4901 Speedway Drive

The East 157.5 feet of the East 315 feet of the North 175 feet of the South 523 feet of Block 8 SPEEDWAY ADDITION, SECTION II, EXCEPT the North 50 feet thereof together with an Easement for ingress and egress over the North 50 feet of the East 157.5 feet of the North 175 feet of the South 525 feet of said Block 8, SPEEDWAY ADDITION, SECTION II;

4903 Speedway Drive

The West 157.5 feet of the East 315 feet of the North 175 feet of the South 525 feet of Block 8 SPEEDWAY ADDITION, SECTION II, EXCEPT the North 50 feet thereof, together with an Easement of the North 175 feet of the South 525 feet of said Block 8, SPEEDWAY ADDITION, SECTION II;

4907 Speedway Drive

The West 157.5 feet of the West 315 feet of the North 175 feet of the South 525 feet of Block 8 SPEEDWAY ADDITION, SECTION II, including the North 50 feet thereof, together with an Easement of the North 175 feet of the South 525 feet of said Block 8, SPEEDWAY ADDITION, SECTION II;

said property more commonly known as 4901, 4903 and 4907 Speedway Drive, Fort Wayne, Indiana 46825;

WHEREAS, it appears that said petition should be

processed to final determination in accordance with the provisions of said Division 6.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, subject to the requirements of Section 4, below, the property hereinabove described is hereby designated and declared an "Economic Revitalization Area" under I.C. 6-1.1-12.1. Said designation shall begin upon the effective date of the Confirming Resolution referred to in Section 3 of this Resolution and shall continue for two (2) years thereafter. Said designation shall terminate at the end of that two (2) year period.

SECTION 2. That upon adoption of this Resolution:

- (a) Said Resolution shall be filed with the Allen County Assessor;
- (b) Said Resolution shall be referred to the Committee on Finance and shall also be referred to the Department of Economic Development requesting a recommendation from the department concerning the advisability of designating the above designated area an "Economic Revitalization Area";
- (c) Common Council shall publish notice in accordance with I.C. 5-3-1 of the adoption and substance of this Resolution and setting this designation as an "Economic Revitalization Area" for public hearing;

- (d) If this Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, then the Resolution shall be referred to the Fort Wayne Redevelopment Commission and said designation as an "Economic Revitalization Area" shall not be finally approved unless said Commission adopts a resolution approving the petition.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That this Resolution shall be subject to being confirmed, modified and confirmed or rescinded after public hearing and receipt by Common Council of the above described recommendations and resolution, if applicable.

SECTION 5. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. The length of the deduction will be finally determined by Common Council, pursuant to

I.C. 6-1.1-12.1-3(b), after receipt of the owner's application from the County Auditor.

SECTION 6. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAVS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-50-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-04-25 (AS AMENDED)

GENERAL ORDINANCE NO. G-18-86

AN ORDINANCE amending the Thoroughfare  
Plan of the City Comprehensive ("Master")  
Plan by vacating a portion of  
dedicated right-of-way

WHEREAS, a petition to vacate a portion of dedicated right-of-way within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and,

WHEREAS, said Commission duly held a public hearing thereof; and,

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, all in accordance with I.C. 36-7-4-512(2) and this body having held a public hearing on said vacation as provided in I.C. 36-7-2-13; and,

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a portion of dedicated right-of-way within the City of Fort Wayne, more specifically described as follows, to-wit:

That certain portion of the east/west alley approximately 648 feet in length running from the westernmost edge of Glasgow Avenue to the easternmost edge of Grant Avenue and approximately 14 feet in width lying to the south of Lots 156 and 137 through 146, White's First Addition to the City of Fort Wayne and to the north of lots 155 and 127 through 136, White's First Addition to the City of Fort Wayne ("Alley"). Except the 14 foot wide portion of the north/south alley, which runs from Wayne Street to Washington Street approximately 314 feet in length, lying to the east of said Lots 134 and 139, and to the West of said Lots 135 and 138. It is the desire of the parties hereto that such alleyway remain intact (the "North/South Alley").

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all

respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Eisbart, seconded by GiaQuinta, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk



950

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-18-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-34

SPECIAL ORDINANCE NO. S-94-86

AN ORDINANCE approving Contract for Res. 419-86, Prospect Avenue Storm Sewer, by the City of Fort Wayne, Indiana, by and through its Board of Public Works and Safety, and All Star Construction & Excavating, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract, made a part hereof, by the City of Fort Wayne, by and through its Board of Public Works and All Start Construction & Excavating, Inc., for Res. 419-86, Prospect Avenue Storm Sewer, is hereby ratified and affirmed and approved in all respects. The work under said Contract requires:

construction of main sewers bounded on the North by the North right-of-way line of Prospect Avenue; bounded on the East by the West right-of-way line of Griswold Avenue; bounded on the West by the centerline of Spy Run Avenue and bounded on the South by the South right-of-way line of Prospect Avenue, more particularly described as follows: Beginning at an existing storm sewer manhole located 20 ± LF South of and 25 ± LF West of the centerline intersection of Prospect Avenue and Griswold Drive; thence Westerly 20 ± LF South of and parallel to the centerline of said Prospect Avenue 1500 ± LF terminating at an existing storm sewer manhole located within the Westerly right-of-way line of Spy Run Avenue 20 ± LF South of the said Prospect Avenue. Said sewers shall be 12" and 15" in diameter;

the Contract price is One Hundred Fifty-Two Thousand Seven Hundred Sixty-Three and 50/100 Dollars (\$152,763.50.)

SECTION 2. Prior Approval was received from Common Council with respect to this Contract on May 13, 1986. Two (2) copies of the Contract attached hereto are on file with the City Clerk, and are available for public inspection, according to law.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GlaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-94-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-35

SPECIAL ORDINANCE NO. S-95-86

AN ORDINANCE approving Contract for Res. #1033-86, McKinnie-Senate Water Main, by and between the City of Fort Wayne, Indiana and Tomco Construction Company, Inc., in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. #1033-86, McKinnie-Senate Water Main, by and between the City of Fort Wayne, and Tomco Construction Company, Inc., in connection with the Board of Public Works and Safety, for:

the furnishing of all materials, labor, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary to install 1,300 ± L.F. of 12" and 700 ± L.F. of 6" water main on McKinnie Avenue, from Wayne Trace to Bueter Road; also, on Senate Avenue from Wayne Trace to Holly Avenue;

involving a total cost of Forty-Nine Thousand Four Hundred Thirty-Four and No/100 Dollars (\$49,434.00), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and are available for public inspection according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns,  
seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None

ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-95-86 on the 10th  
day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 11th day of June, 1986, at the hour of 11:00  
o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986,  
at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-36

SPECIAL ORDINANCE NO. S-96-86

AN ORDINANCE approving City Utilities  
Purchase Orders #A-53390, #A-53391,  
#A-53392, #A-53393 and #A-53394, by the  
City of Fort Wayne, Indiana, by and through  
its Department of Purchasing and Business  
Equipment Company, Lewis & Christen Office  
Supply Co., Inc., Impex International, Inc.,  
O'Reilly Office Supply Company and the  
Xerox Corporation, respectively, for  
the Office Services Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders  
#A-53390, #A-53391, #A-53392, #A-53393 and #A-53394, between the  
City of Fort Wayne, by and through its City Utilities, and the  
Department of Purchasing with Business Equipment Company, Lewis &  
Christen Office Supply Co., Inc., Impex International, Inc.,  
O'Reilly Office Supply Company and the Xerox Corporation,  
respectively, for the Office Services Department, respectfully  
for:

the purchase of office supplies  
through the Office Services  
Department, per specifications in  
Reference #781;

involving a total cost of Twenty Thousand Three Hundred  
Twenty-Five and No/100 Dollars (\$20,325.00), (Business  
Equipment, \$12,000.00; Lewis & Christen, \$700.00; Impex  
International, \$325.00; O'Reilly's, \$7,000.00; Xerox  
Corporation, \$300.00), all as more particularly set forth in said  
Purchase Orders and Reference #781, which are on file in the  
Office of the Department of Purchasing, and are by reference  
incorporated herein, made a part hereof, and are hereby in all  
things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-96-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-37

SPECIAL ORDINANCE NO. S-97-86

AN ORDINANCE approving City Utilities Purchase Orders #A-45860 and #A-45890, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the BOS Sand Company and the Wedron Silica Company, respectively, for the Three Rivers Filtration Plant

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders #A-45860 and #A-45890, between the City of Fort Wayne, by and through its City Utilities and the Department of Purchasing, with the BOS Sand Company and the Wedron Silica Company, respectively, for the Three Rivers Filtration Plant, respectfully for:

the purchase of Sand and Gravel for the Filtration Plant filters, per the specifications in Reference #780, through the Three Rivers Filtration Plant;

involving a total cost of Fifteen Thousand Six Hundred Eighty-One and 68/100 Dollars (\$15,681.68), (BOS Sand Company, \$7,057.68; Wedron Silica Company, \$8,624.00), all as more particularly set forth in said Purchase Orders and specifications in Reference #780, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One

Bradbury

DATE: 6-10-86

Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-97-86 on the 10th day of June, 1986.

ATTEST:

(SEAL)

Nadejda Eshcoff  
Deputy Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-38

SPECIAL ORDINANCE NO. S-98-86

AN ORDINANCE approving City Utilities Purchase Orders #A-40892 and #A-41291, by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and the Price Bros. Company and The Treaty Company, respectively, for the Water Engineering Department

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Orders #A-40892 and #A-41291, between the City of Fort Wayne, by and through City Utilities, and the Department of Purchasing with the Price Bros. Company and The Treaty Company, respectively, for the Water Engineering Department, respectfully for:

the purchase of material required to construct a feeder main on the Hoagland Avenue project through the Water Engineering Department, per the specifications in Reference #2810 and #2804;

involving a total cost of One Hundred Eight Thousand Eight Hundred Forty-Nine and 16/100 Dollars (\$108,849.16), (Price Bros. Company, \$100,670.00; The Treaty Company, \$8,179.16), all as more particularly set forth in said Purchase Orders and specifications in Reference #2810 and #2804, which are on file in the Office of the Department of Purchasing, and are by reference incorporated herein, made a part hereof, and are hereby in all things ratified, confirmed and approved.

SECTION 2. Prior Approval requested from Common Council on May 27, 1986.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-98-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-39

SPECIAL ORDINANCE NO. S-99-86

AN ORDINANCE approving Change Order No. 3, GM Elevated Storage Tank, Contract 85-W-3, with Hydrostorage, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 3, GM Elevated Storage Tank, Contract 85-W-3, with Hydrostorage, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #3, Contract 85-W-3, GM Elevated Storage Tank, is necessary because of prime coat paint deterioration, and accumulation of rust, due to excessive weather exposure (associated with project shutdown);

involving a net increase of Five Thousand and No/100 Dollars (\$5,000.00), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-99-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-40

SPECIAL ORDINANCE NO. S-100-86

AN ORDINANCE approving Change Order No. 2 for Res. 408-85, Southwest Interceptor, Phase II, with Bercot, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 2 for Res. 408-85, Southwest Interceptor, Phase II, with Bercot, Inc., in connection with the Board of Public Works and Safety, for:

Change Order #2 for Res. 408-85, Phase II, is necessary because Item 20A, new concrete drive constructed between plan bidding and construction period with no bid item. Item 21 A, additional work required to regrade and reconstruct shoulders of pavement along Lower Huntington Road from Ardmore Bridge to Coverdale, as required by county for safety purposes. Final as built quantities for original contract. Includes additional granular backfill authorized and necessitated by Relocation from Easements to Road Right of Way due to easement acquisition problems. Also includes considerable pavement replacement overrun as required to meet county requirements, and additional asphalt surface to improve intersection transitions as required by County Highway. Also Final as built quantity adjustment for change order II-1 Field title replacement exceed original estimates;

involving a net increase of Sixteen Thousand Six Hundred Twenty and No/100 Dollars (\$16,620.00), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-100-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-41

#### SPECIAL ORDINANCE NO. S-101-86

AN ORDINANCE approving Contract for Res. 896-85, McKinnie Avenue - Senate Avenue Sanitary Sewer, by and between the City of Fort Wayne, Indiana and All Star Construction & Excavating, Inc., in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The annexed Contract for Res. 896-85, McKinnie Avenue - Senate Avenue Sanitary Sewer, by and between the City of Fort Wayne, and All Star Construction & Excavating, Inc., in connection with the Board of Public Works and Safety, for:

the elimination of pollution within the immediate area as directed: Bounded on the South by the Northerly Right-of-Way of Senate Avenue thence North along the West line of lot #468 of Fairfax Second Addition, thence Westerly along the Northline of lots #468 & #467 of Fairfax 2nd Addition to the Southerly projection of the west line of lot #471 of Fairfax 2nd Addition, thence on and along said line to the Southerly Right-of-Way of McKinnie Avenue; thence East along said Southerly Right-of-Way to the Northeast corner of Lot #481 of Fairfax Second Addition; thence South along the East line of said lot #481 to the South East corner of said lot; thence East along the North lines of lots #455 through 448 of Fairfax Second Addition to the West right-of-way of Bueter Avenue; thence South along said W. right-of-way of Bueter Avenue to the North right-of-way of Senate Avenue;

involving a total cost of Thirty-Eight Thousand Four Hundred Sixty-Four and 85/100 Dollars (\$38,464.85), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and are available for public inspection, according to law.



SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-101-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-42

SPECIAL ORDINANCE NO. S-102-86

AN ORDINANCE approving West Jefferson Blvd. Water Main Extension - Contract 86-XP-2, by and between the City of Fort Wayne, Indiana and All Star Construction & Excavating, Inc., in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That West Jefferson Blvd. Water Main Extension Contract 86-XP-2, by and between the City of Fort Wayne and All Star Construction & Excavating, Inc., in connection with the Board of Public Works and Safety, for:

the furnishing of all materials, labor, equipment, tools, power, transportation, miscellaneous equipment, necessary to install 1,010 ± L.F. of 12" water main on West Jefferson Blvd., from Getz Road westward;

involving a total cost of Thirty-One Thousand Two Hundred Ninety-Three and 40/100 Dollars (\$31,293.40), all as more particularly set forth in said contract, which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and are available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None

ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-102-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-43

SPECIAL ORDINANCE NO. S-103-86

AN ORDINANCE approving Water Contract 86-XP-1, Hoagland Avenue Feeder Main, by and between the City of Fort Wayne, Indiana and Land Excavating, Inc., in connection with the Board of Public Works and Safety

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Water Contract 86-XP-1, Hoagland Avenue Feeder Main, by and between the City of Fort Wayne, and Land Excavating, Inc., in connection with the Board of Public Works and Safety, for:

the furnishing of all labor, equipment, tools, power, transportation, miscellaneous equipment, etc., necessary to install 2,400 ± L.F. of 36" ductile iron water main at the following location: On Hoagland Avenue, from Williams Street to Creighton Avenue; and from Pontiac Street to Wildwood Avenue;

involving a total cost of One Hundred Forty-Six Thousand Six Hundred Eighty-Four and No/100 Dollars (\$146,684.00), all as more particularly set forth in said Contract, which is on file with the Office of the Board of Public Works and Safety and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved. Two (2) copies of said Contract are on file with the Office of the City Clerk and are available for public inspection, according to law.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns,  
seconded by Eisbart, and duly adopted, placed on its passage.  
PASSED by the following vote:

AYES: Eight  
Burns, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None

ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Special Ordinance No. S-103-86 on the  
10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the 11th day of June, 1986, at the hour of 11:00  
o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986,  
at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-05-44

#### GENERAL ORDINANCE NO. G-19-86

AN ORDINANCE AMENDING GENERAL ORDINANCE  
NO. G-16-86 AND CHAPTER 24 OF THE FORT  
WAYNE MUNICIPAL CODE ENTITLED "SEWERS  
AND SEWERAGE SYSTEM" FOR THE PURPOSE  
OF AMENDING SECTION 24-33-1 BY ADJUSTING  
THE RATES PROVIDED FOR THEREIN

WHEREAS, the Common Council adopted General Ordinance  
No. G-16-86 on the 22nd day of April, 1986, repealing Chapter 24  
of the Fort Wayne Municipal Code and substituting and enacting  
therefor a new Chapter 24 entitled "Sewer and Sewerage System"  
for the purpose of adjusting rates and other provisions set forth  
therein; and

WHEREAS, Section 24-33-1 entitled Volume Charge  
(cents per 100 cubic foot) was erroneously calculated and needs  
to be amended to provide for the proper charges as authorized by  
law;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF  
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 24 of the Municipal Code of the  
City of Fort Wayne, Indiana, as presently enacted, is amended in  
the following particular: Section 24-33-1 is hereby amended and  
shall now read in its entirety as follows:

<u>Volume Charge (cents per 100 cubic foot)</u>	
Treatment	34.23
Capital Charge	2.96
Total	37.19

SECTION 2. That this Ordinance be adopted after a  
public hearing has been held pursuant to I.C. 36-9-23-26 and  
duly published notice thereof pursuant to I.C. 5-3-1.

SECTION 3. That this Ordinance shall be in full force  
and effect, and the new rates and charges contained herein shall  
take effect, upon passage and approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Seven  
Eisbart, GiaQuinta, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: One  
Burns  
ABSTAINED: None  
ABSENT: One  
Bradbury

DATE: 6-10-86 Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-19-86 on the 10th day of June, 1986.

ATTEST: (SEAL)

Nadejda Eshcoff Samuel J. Talarico  
Deputy Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-06-01

RESOLUTION NO. R-44-86

A RESOLUTION of the Common Council of the City of Fort Wayne, Indiana commending the South Side High School Girl's Track Team for winning the 1986 Indiana State Championship

WHEREAS, the City of Fort Wayne, Indiana has had a significant number of State Championship teams in various high school sports; and

WHEREAS, South Side High School has a rich history of high school athletics, including more than one of these State Championship teams; and

WHEREAS, the 1986 South Side High School Girl's Track Team has recently won the Indiana State Girl's Track meet; and

WHEREAS, this team is the first Girl's track team to achieve an Indiana State Championship for two consecutive years within the last twelve years; and

WHEREAS, the 1986 South Side High School Girl's Track Team enjoyed a Number One rating in the polls during the entire 1986 season; and

WHEREAS, the singular achievement of this team and it's coach, Bobbi Widmann-Foust, is a source of pride to South Side High School, all of its students and faculty, and to all of the citizens of Fort Wayne.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the 1986 South Side High School Girl's Track Team is officially recognized and commended on the occasion of achieving the title of 1986 Indiana State Champions.

SECTION 2. That its attaining that title for the second straight year is deemed worthy of official commendation.

SECTION 3. That the citizens of Fort Wayne, Indiana congratulate the coaches and members of the 1986 South Side High School Girl's Track Team for the honor they have brought to this city.

SECTION 4. That the City of Fort Wayne, Indiana issues an official Resolution of commendation to South Side High School in recognition of its 1986 Girl's Track Team's outstanding performance in winning the 1986 Indiana State Championship.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Talarico, and duly adopted, placed on its passage, PASSED by the following vote:

AYES: Eight

Burns, Eisbart, GíaQuinta, Henry, Redd, Schmidt,  
Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One  
Bradbury

DATE: 6-10-86

Nadejda Eshcoff  
Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-44-86 on the 10th day of June, 1986.

ATTEST:

(SEAL)

Nadejda Eshcoff  
Deputy Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Nadejda Eshcoff  
Deputy Clerk

Approved and signed by me this 12th day of June, 1986, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
Mayor

## APPROPRIATION ORDINANCE NO. A-02-86

AN ORDINANCE appropriating monies from the unappropriated and unobligated balance in the Cable TV Fund to an account in the 1986 budget of the Cable TV Fund to provide further public use of the local Cable TV System

WHEREAS, Ordinance No. G-10-85 provides that forty percent (40%) of the Cable TV franchise fees be placed in the Cable TV Fund to be used for cable related expenses; and

WHEREAS, Ordinance No. G-10-85 provides that the Cable Television Program Advisory Council (CTPAC) is to make recommendations for the expenditures of the Cable TV Fund to enhance the public use of the Cable TV System; and

WHEREAS, CTPAC has made various recommendations and from these recommendations and from the recommendations from the City, the following grants are proposed;

Allen County Public Library	\$ 33,670.00
St. Francis College	25,070.00
Indiana-Purdue University Fort Wayne	24,255.00
Fort Wayne Museum of Art	16,000.00
Fort Wayne Dance Collective	11,005.00
TOTAL	<u>\$110,000.00;</u> and

WHEREAS, the City Controller has recommended this appropriation and states that the details of each grant proposal is available for inspection.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby appropriated to the 1986 budget of the Cable TV Fund, stated below, the following sum, to-wit:

Dept.	Acct. No.	Description	Amount
Cable TV Fund	4395	Grants	\$110,000.00

SECTION 2. That the unappropriated and unobligated

balance of the Cable TV Fund, Account No. 166 is hereby reduced by the sum of One Hundred Thousand Ten and No/100 Dollars (\$110,000.00).

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Appropriation Ordinance No. A-02-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-06-20

SPECIAL ORDINANCE NO. S-104-86

ORDINANCE AUTHORIZING THE CITY OF  
FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT  
REVENUE BOND, SERIES 1986 "(MARK P. SHAMBAUGH  
PROJECT)" AND APPROVING  
OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Mark P. Shambaugh Project regarding the financing of proposed economic development facilities for Mark P. Shambaugh and the Fort Wayne Plan Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on March 6, 1986, and also adopted a resolution on June 5, 1986, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Mark P. Shambaugh complies with the purposes of provisions of I.C. 36-7-11.9 and 12 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Mortgage and Security Agreement, Note, Trust Indenture, Lease, Conditional Assignment of Lease and Rentals, Consent to Lease Assignment and Guaranty Agreement; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement, Mortgage and Security Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of revenue bond, the loan of the proceeds of the revenue bond to Mark P. Shambaugh (the "Developer") for the acquisition, construction and equipping of such facilities, the payment of the revenue bond by the note payments of the Developer under the Loan Agreement, Mortgage and Security Agreement and Note, the leasing of such facilities to Shambaugh & Son, Inc., under the Lease, the guaranty of payment of principal and interest on the revenue bond by Shambaugh & Son, Inc., under the Guaranty Agreement, and the securing of said bond by the mortgaging of such facilities to the Trustee under the Trust Indenture complies with the purposes and provisions of I.C. 36-7-11.9 and 12 and will be of benefit to the health and

welfare of the City of Fort Wayne and its citizens.

SECTION 2. The economic development facilities will consist of the acquisition, construction and equipping of a new warehouse, fabrication and office facility, to be used in the Developer's construction engineering business, to be located on the northwest corner of Cook Road and the vacated Conrail railroad, just north of Smith Field, in Fort Wayne, Indiana. The Developer will lease such facilities to Shambaugh & Son, Inc. (the "Project").

SECTION 3. At the public hearing held by the Fort Wayne Economic Development Commission, the Commission considered whether the economic development facilities would have an adverse competitive effect on any similar facilities located in or near the City of Fort Wayne, and found, based on special findings of fact set forth in the Resolution transmitted hereto, that the facilities would not have an adverse competitive effect. This Common Council hereby confirms the findings set forth in the Commission's Resolution, and concludes that the economic development facilities will not have an adverse competitive effect on any other similar facilities in or near the City of Fort Wayne, and the facilities will be of benefit to the health and welfare of the citizens of the City of Fort Wayne.

SECTION 4. The substantially final forms of the Loan Agreement, Mortgage and Security Agreement, Note, Trust Indenture, Lease, Conditional Assignment of Lease and Rentals, Consent to Lease Assignment and Guaranty Agreement approved by the Fort Wayne Economic Development Commission are hereby approved (herein collectively referred to as the "Financing Agreement" referred to in I.C. 36-7-11.9 and 12), and the Financing Agreement shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of I.C. 36-1-5-4, two (2) copies of the Financing Agreement are on file in the office of the Clerk for public inspection.

SECTION 5. The City of Fort Wayne shall issue its Economic Development Revenue Bond, Series 1986 (Mark P. Shambaugh Project) in the total principal amount not to exceed Three Million One Hundred Thousand Dollars (\$3,100,000.00) pursuant to this election to do so under Section 103(b)(6)(D) of the Internal Revenue Code of 1954, as amended, and maturing fifteen years from the date of the first principal payment. Said bond is to be issued for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Trust Indenture and Loan Agreement, Mortgage and Security Agreement incorporated herein by reference, which bond will be payable as to principal, premium, if any, and interest from the note payments made by the Developer under the Loan Agreement, Mortgage and Security Agreement and Note or as otherwise provided in the

above described Trust Indenture. The bond shall be issued in fully registered form in the full amount actually issued and shall be redeemable as provided in Article V of the Trust Indenture. Payments of principal and interest are payable in lawful money of the United States of America at the principal office of the Trustee or its successor in trust or by check or draft mailed or delivered to the registered owner as provided in the Trust Indenture. The bond shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne, nor is the bond payable in any manner from revenues raised by taxation.

SECTION 6. The Mayor and Clerk are authorized and directed to sell such bond to the purchaser thereof at a Rate of interest per annum on the bond not to exceed 75% of the Reference Rate of Fort Wayne National Bank, as in effect at its principal office, (except, (i) in the event interest on the bond becomes taxable due to a Determination of Taxability, as defined in the Loan Agreement, Mortgage and Security Agreement, the interest on the bond will increase to the Taxable Rate, as defined in the Loan Agreement, Mortgage and Security Agreement, and (ii) the interest rate on the bond may be adjusted asset forth in the Loan Agreement, Mortgage and Security Agreement) as the result of certain yield affecting events; and at a price of not less than 100% of the principal amount thereof.



SECTION 7. The Mayor and Clerk are authorized and directed to execute, attest, affix or imprint by any means the City seal to the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bond authorized herein. The Mayor and Clerk are hereby expressly authorized to approve any modifications or additions to the documents constituting the Financing Agreement which take place after the date of this Ordinance with the review and advice of the City Attorney; it being the express understanding of this Common Council that said Financing Agreement is in substantially final form as of the date of this Ordinance. The approval of said modifications or additions shall be conclusively evidenced by the execution and attestation thereof or the imprinting of the seal thereon; provided, however, that no such modification or addition shall change the maximum principal amount of, interest rate on or term of the bond as approved by the Common Council by this Ordinance without further consideration by the Common Council. The signatures of the Mayor and Clerk on the bond may be either manual or facsimile signatures. The Clerk is authorized to arrange for delivery of such bond to the Trustee named in the Trust Indenture, and payment for the bond will be made to the Trustee named in the Trust Indenture and after such payment the bond will be delivered by the Trustee to the purchaser thereof. The Mayor and Clerk shall execute and the Clerk shall deliver the bond to the Trustee within ninety days of the adoption of this ordinance. The bond shall be originally dated as of June 1,

1986, but shall have as an issue date the date of authentication by the Trustee.

SECTION 8. The provisions of this Ordinance and the Trust Indenture securing the bond shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Bond, Series 1986, (Mark P. Shambaugh Project), and after the issuance of said bond, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as said bond or the interest thereon remains unpaid.

SECTION 9. Special Ordinance No. S-43-86 adopted on March 25, 1986 is hereby repealed.

SECTION 10. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-104-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-06-18 (as amended) (as amended)

SPECIAL ORDINANCE NO. S-105-86

AN ORDINANCE concerning the refunding of an indebtedness of the municipal waterworks incurred for the acquisition and construction of water facilities by the municipal waterworks of the City of Fort Wayne, the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue notes to provide for the cost thereof, matters connected therewith, and repealing ordinances in conflict therewith

PLEASE NOTE -- THIS ORDINANCE MAY BE REVIEWED IN THE OFFICE OF THE CITY CLERK

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-105-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-06-19 (as amended) (as amended)

SPECIAL ORDINANCE NO. S-106-86

AN ORDINANCE concerning the issuance of revenue refunding bonds of the City of Fort Wayne, Indiana, in an original principal amount not to exceed \$4,262,865.05 with respect to bond income growth securities and not to exceed \$17,575,297.00 with respect to capital appreciation bonds, together aggregating an original principal amount not to exceed \$21,838,162.05 to provide for the refunding of revenue bonds which were issued to provide for the cost of the construction of additions and improvements to the water works of the City of Fort Wayne, the collection, segregation and distribution of the revenues of said works, the safeguarding of the interest of the holders of said revenue refunding bonds, and other matters connected therewith and repealing ordinances inconsistent therewith

PLEASE NOTE: THIS ORDINANCE MAY BE REVIEWED IN THE OFFICE OF THE CITY CLERK

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-106-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. R-86-06-04

DECLARATORY RESOLUTION NO. R-51-86

A DECLARATORY RESOLUTION confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1 for property commonly known as 4901, 4903 and 4907 Speedway Drive, Fort Wayne, Indiana 46825. (Michael E. & Rebecca A. Byerley and/or BMRR Properties Corp., Petitioner)

WHEREAS, Common Council has previously designated by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Division 6, Article II, Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

4901 Speedway Drive

The East 157.5 feet of the East 315 feet of the North 175 feet of the South 523 feet of Block 8 SPEEDWAY ADDITION, SECTION II, EXCEPT the North 50 feet thereof together with an EASEment for ingress and egress over the North 50 feet of the East 157.5 feet of the North 175 feet of the South 525 feet of said Block 8, SPEEDWAY ADDITION, SECTION II;

4903 Speedway Drive

The west 157.5 feet of the East 315 feet of the North 175 feet of the South 525 feet of Block 8 SPEEDWAY ADDITION, SECTION II, EXCEPT the North 50 feet thereof, together with an Easement of the North 175 feet of the South 525 feet of said Block 8, SPEEDWAY ADDITION, SECTION II;

4907 Speedway Drive

The West 157.5 feet of the West 315 feet of the North 175 feet of the South 525 feet of Block 8 SPEEDWAY ADDITION, SECTION II, including the North 50 feet thereof, together with an Easement of the North 175 feet of the South 525 feet of said Block 8, SPEEDWAY ADDITION, SECTION II;

said property more commonly known as 4901, 4903 and 4907 Speedway Drive, Fort Wayne, Indiana 46825;

WHEREAS, recommendations have been received from the Committee on Finance and the Department of Economic Development concerning said Resolution;

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-1 and a public hearing has been conducted on said Resolution;

WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for a two (2) year period. Said designation shall terminate at the end of that two (2) year period.

SECTION 3. That, said designation of the hereinabove described property as an "Economic Revitalization Area" shall only apply to a deduction of the assessed value of real estate.

SECTION 4. That it is the preliminary intent of Common Council to recommend a ten (10) year deduction from the assessed value of the real property. However, pursuant to I.C. 6-1.1-12.1-3(B), final determination of the length of the entitled deduction will not be made by Common Council until receipt from the County Auditor of the owner's application.

SECTION 5. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-51-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-05-30

GENERAL ORDINANCE NO. G-20-86

AN ORDINANCE approving the City of  
Fort Wayne's Five Year Capital Improvement  
Program and One Year Capital Budget

WHEREAS, heretofore on April 11, 1973, General Ordinance No. G-07-73 was adopted requiring the City of Fort Wayne to provide the Common Council with itemized estimates of capital program expenditures for the succeeding fiscal years on or before the 30th day of June of each year.

WHEREAS, the Division of Community Development and Planning has submitted a proposed Capital Improvements Program for fiscal years 1987 through 1991; and

WHEREAS, the proposed Capital Improvement Program is in the best interest of the City of Fort Wayne and the citizens thereof.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Fort Wayne Common Council supports the efforts of the Mayor, Mayor's Staff, the City Plan Commissioner, and the Division of Community Development and Planning in preparing a Capital Improvement Program; and,

SECTION 2. That the 1987-1991 Capital Improvements Program is hereby approved and adapted by the Common Council; and

SECTION 3. That this Ordinance shall be effective upon passage and approval by the Mayor.

Mark E. GiaQuinta  
Councilmember

Read the third time in full and on motion by Redd, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd, Schmidt,  
Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-20-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-06-16

SPECIAL ORDINANCE NO. S-107-86

AN ORDINANCE approving Change Order No. 1 (FINAL) for Res. 897-85, St. Joe-St. Joe Center Road Sanitary Sewer Extension, with Land, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No.1 (FINAL) for Res. 897-85, St. Joe-St. Joe Center Road Sanitary Sewer Extension, with Land, Inc., in connection with the Board of Public Works and Safety of the City of Fort Wayne, Indiana for:

Change Order #1 (FINAL) for Res. 897-85 - St. Joe St. Joe Center Road Sanitary Sewer Extension is a final change out order. Certain items have been decreased or increased based on the final inspection and measurements;

involving a net decrease of Nine Hundred Ninety-Four and 73/100 Dollars (\$994.73), all as more particularly set forth in the specifications, and which is on file with the Office of the Board of Public Works and Safety, and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-107-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. G-86-06-17

GENERAL ORDINANCE NO. G-21-86

AN ORDINANCE amending General Ordinance No. G-15-86 which ordinance amended General Ordinance No. G-27-84, which ordinance amended Special Ordinance No. S-91-82, which ordinance amended General Ordinance No. G-27-78, and amending Chapter 31 of Municipal Code of the City of Fort Wayne, Indiana, establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, has enacted General Ordinance No. G-15-86 establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, subject to their approval by the Public Service Commission of Indiana (PSCI), and

WHEREAS, at the time of the consideration and passage of said ordinance, the calculations necessary to determine the reasonable return on net utility plant reflected in said rates and charges had not been performed, and

WHEREAS, said calculations have now been performed, are presently available, and result in a reasonable return of 1.48% on net utility plant, and

WHEREAS, the PSCI requires that the reasonable return on net utility plant requested by a municipal utility be specifically stated as a condition for its approval,

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That General Ordinance No. G-15-86, entitled "An Ordinance amending General Ordinance No. G-27-84, which ordinance amended Special Ordinance No. S-91-82, which ordinance amended General Ordinance No. G-27-78, and amending Chapter 31 of the Municipal Code of the City of Fort Wayne, Indiana, establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith", adopted April 22, 1986, and signed by the Mayor on April 23, 1986, be and the same is hereby amended by the addition of the following Section 1.5 thereto:

Section 1.5. That said rates incorporate and reflect a reasonable return on net utility plant of 1.48% of net utility

plant.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage.

Paul M. Burns  
Councilmember

Read the third time in full and on motion by Burns, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-21-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talarico  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor



BILL NO. X-86-05-22

## ANNEXATION ORDINANCE NO. X-03-86

ANNEXATION ORDINANCE annexing certain territory commonly known as the Lincoln Village Area to the City of Fort Wayne, Indiana, and including same in the Councilmanic District No. 3

WHEREAS, at least fifty-one percent (51%) of the owners and owners of more than 75% of the assessed value of the herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, said territory is adjacent to the corporate limits; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory shall be annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, in accordance with the conditions set forth herein; to-wit:

Part of the South Half of Section 12 in Township 31 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 12, being also the intersection of the centerline of Coldwater Road with the centerline of Cook Road; thence North 89 degrees, 50 minutes, 18 seconds East (assumed bearing) a distance of 2,542.46 feet along the south line of the Southwest Quarter of said Section 12 to the southeast corner of the Southwest Quarter of said Section 12; thence North 00 degrees, 28 minutes, 36 seconds West a distance of 660.44 feet along the north-south centerline of said Section 12 to the Point of Beginning, being the southeast corner of Lot Numbered 28 in Wheatridge, Section 1, as recorded in Plat Book 42, Page 119, in the Office of the Recorder of Allen County; the next ten (10) calls being contiguous to the easterly and

northerly lines of said Wheatridge, Section 1; thence continuing North 00 degrees, 28 minutes, 36 seconds West, a distance of 448.54 feet; thence North 35 degrees, 10 minutes, 40 seconds West a distance of 592.67 feet; thence North 60 degrees, 10 minutes, 40 seconds West a distance of 530.33 feet; thence South 29 degrees, 49 minutes, 20 seconds West, a distance of 15.00 feet; thence North 60 degrees, 10 minutes, 40 seconds West, a distance of 150.00 feet; thence South 29 degrees, 49 minutes, 20 seconds West, a distance of 135.00 feet; thence North 60 degrees, 10 minutes, 40 seconds West, a distance of 50.00 feet; thence South 29 degrees, 49 minutes, 20 seconds West, a distance of 499.67; thence South 48 degrees, 32 minutes, 24 seconds West, a distance of 144.41 feet; thence South 68 degrees, 17 minutes, 40 seconds West, a distance of 143.58 feet to the northeasterly line of Stone Pointe Village as recorded in Document No. 83-12290 in the said Recorder's Office; thence North 26 degrees, 50 minutes, 50 seconds West, a distance of 389.77 feet along said northeasterly line; thence South 89 degrees, 22 minutes, 57 seconds West, a distance of

149.27 feet along the northerly line of said Stone Pointe Village; thence North 00 degrees, 36 minutes, 47 seconds West, a distance of 248.02 feet to the southerly line of Carlisle Place, Section "C", as recorded in Plat Book 41, Page 115, in said Recorder's Office; thence North 89 degrees, 04 minutes, 26 seconds East, a distance of 54.00 feet along said southerly line; thence North 00 degrees, 39 minutes, 41 seconds West, a distance of 815.39 feet along the easterly line of said Carlisle Place, Section "C", to the southerly line of Northwood Park as recorded in Plat Book 22, pages 96 and 97 in said Recorder's Office; thence North 89 degrees, 30 minutes, 41 seconds East, a distance of 545.33 feet along said southerly line; thence North 89 degrees, 25 minutes, 10 seconds East, a distance of 615.00 feet; thence South 12 degrees, 49 minutes, 07 seconds East, a distance of 303.58 feet; thence North 67 degrees, 28 minutes, 51 seconds East, a distance of 22.00 feet; thence North 78 degrees, 00 minutes, 23 seconds East, a distance of 167.48 feet; thence South 11 degrees, 59 minutes, 37

seconds East, a distance of 43.57 feet; thence North 78 degrees, 00 minutes, 23 seconds East, a distance of 154.93 feet; thence North 06 degrees, 24 minutes, 40 seconds East, a distance of 11.54 feet; thence South 89 degrees, 38 minutes, 02 seconds East, a distance of 256.29 feet to a point on the north-south centerline of said Section 12; thence South 00 degrees, 21 minutes, 58 seconds West, a distance of 96.44 feet, along said north-south centerline; thence North 89 degrees, 42 minutes, 12 seconds East, a distance of 1,298.99 feet along the south line of, and the westerly extension of Manor Park, Section D and Section E, as recorded in Plat Books 40 and 41, Pages 11 and 65, respectively, in the Office of the Recorder of Allen County, to a point on the west line of a 36.08-acre tract (Document No. 70-11034); thence South 00 degrees, 04 minutes, 38 seconds East, a distance of 977.35 feet along the west line of said 36.08-acre tract; thence North 89 degrees, 38 minutes, 16 seconds East, a distance of 302.03 feet; along the south line of said 36.08-acre tract to the northwest corner of a 5.13-acre tract (Document No. 85-5455); thence South 00 degrees, 13 minutes, 32 seconds East, a distance of 1,335.77 feet, to a point on the south line of said Section 12, also being the centerline of Cook Road; thence South 89 degrees, 42 minutes, 12 seconds West, a distance of 340.33 feet along said south line; thence North 00 degrees, 01 minute, 51 seconds West, a distance of 661.26 feet along the east line of a 2.94-acre tract (Deed Book No. 512, Page 532); thence South 89 degrees, 32 minutes, 09 seconds West, a distance of 1,260.40 feet along the north line of said 2.94-acre tract and its westerly extension, to the Point of Beginning; containing 101.27 acres, more or less, and subject to rights-of-way and easements of record.

SECTION 2. That the City of Fort Wayne will furnish the above described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection and fire protection, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described

territory. The City of Fort Wayne will also provide services of a capital improvement nature, including sewer facilities, water facilities and stormwater drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community Development and Planning. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by and upon the passage of this Ordinance.

SECTION 4. That said described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended.

SECTION 5. That after its passage, approval by the Mayor, and due legal publication, this Ordinance shall be in full force and effect sixty (60) days after the date of last publication. The above described territory shall become a part of the City of Fort Wayne sixty days after the date of last legal publication.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight  
Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico  
NAYS: None  
ABSTAINED: None  
ABSENT: One  
GiaQuinta

DATE: 6-24-86 Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-03-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy Samuel J. Talaric  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

## RESOLUTION NO. R-52-86

A RESOLUTION of the Common Council  
of the City of Fort Wayne, Indiana  
setting forth the policy of the  
City of Fort Wayne, Indiana in regard to  
Lincoln Village Annexation

WHEREAS, the annexation of territory to the City of Fort Wayne, is a legislative function; and

WHEREAS, the Common Council of the City of Fort Wayne is called upon in the preparation of the City budget to provide for the furnishing of municipal services to the entire City, including newly annexed areas; and,

WHEREAS, the Common Council desires that newly annexed areas receive the full measure of municipal services; and,

WHEREAS, the Common Council of The City of Fort Wayne has before it an Ordinance for the annexation of the Lincoln Village Annexation Area, more specifically described as follows, to-wit:

Part of the South Half of Section 12 in Township 31 North, Range 12 East of the Second Principal Meridian in Allen County, Indiana, more particularly described as follows:

Commencing at the southwest corner of the Southwest Quarter of said Section 12, being also the intersection of the centerline of Coldwater Road with the centerline of Cook Road; thence North 89 degrees, 50 minutes, 18 seconds East (assumed bearing) a distance of 2,542.46 feet along the south line of the Southwest Quarter of said Section 12 to the southeast corner of the Southwest Quarter of said Section 12; thence North 00 degrees, 28 minutes, 36 seconds West a distance of 660.44 feet along the north-south centerline of said Section 12 to the Point of Beginning, being the southeast corner of Lot Numbered 28 in Wheatridge, Section I, as recorded in Plat Book 42, Page 119, in the Office of the Recorder of Allen County; the next ten (10) calls being contiguous to the easterly and northerly lines of said Wheatridge, Section I; thence continuing North 00 degrees, 28 minutes, 36 seconds West, a distance of

448.54 feet; thence North 35 degrees, 10 minutes, 40 seconds West a distance of 592.67 feet; thence North 60 degrees, 10 minutes, 40 seconds West a distance of 530.33 feet; thence South 29 degrees, 49 minutes, 20 seconds West, a distance of 15.00 feet; thence North 60 degrees, 10 minutes, 40 seconds West, a distance of 150.00 feet; thence South 29 degrees, 49 minutes, 20 seconds West, a distance of 135.00 feet; thence North 60 degrees, 10 minutes, 40 seconds West, a distance of 50.00 feet; thence South 29 degrees, 49 minutes, 20 seconds West, a distance of 499.67; thence South 48 degrees, 32 minutes, 24 seconds West, a distance of 144.41 feet; thence South 68 degrees, 17 minutes, 40 seconds West, a distance of 143.58 feet to the northeasterly line of Stone Pointe Village as recorded in Document No. 83-12290 in the said Recorder's Office; thence North 26 degrees, 50 minutes, 50 seconds West, a distance of 389.77 feet along said

northeasterly line; thence South 89 degrees, 22 minutes, 57 seconds West, a distance of 149.27 feet along the northerly line of said Stone Pointe Village; thence North 00 degrees, 36 minutes, 47 seconds West, a distance of 248.02 feet to the southerly line of Carlisle Place, Section "C", as recorded in Plat Book 41, Page 115, in said Recorder's Office; thence North 89 degrees, 04 minutes, 26 seconds East, a distance of 54.00 feet along said southerly line; thence North 00 degrees, 39 minutes, 41 seconds West, a distance of 815.39 feet along the easterly line of said Carlisle Place, Section "C", to the southerly line of Northwood Park as recorded in Plat Book 22, pages 96 and 97 in said Recorder's Office; thence North 89 degrees, 30 minutes, 41 seconds East, a distance of 545.33 feet along said southerly line; thence North 89 degrees, 25 minutes, 10 seconds East, a distance of 615.00 feet; thence South 12 degrees, 49 minutes, 07 seconds East, a distance of 303.58 feet; thence North 67 degrees, 28 minutes, 51 seconds East, a distance of 22.00 feet; thence North 78 degrees, 00 minutes, 23 seconds East, a distance of 167.48 feet; thence South 11 degrees, 59 minutes, 37 seconds East, a distance of 43.57 feet; thence North 78 degrees, 00 minutes, 23 seconds East, a distance of 154.93 feet;

thence North 06 degrees, 24 minutes, 40 seconds East, a distance of 11.54 feet; thence South 89 degrees, 38 minutes, 02 seconds East, a distance of 256.29 feet to a point on the north-south centerline of said Section 12; thence South 00 degrees, 21 minutes, 58 seconds West, a distance of 96.44 feet, along said north-south centerline; thence North 89 degrees, 42 minutes, 12 seconds East, a distance of 1,298.99 feet along the south line of, and the westerly extension of Manor Park, Section D and Section E, as recorded in Plat Books 40 and 41, Pages 11 and 65, respectively, in the Office of the Recorder of Allen County, to a point on the west line of a 36.08-acre tract (Document No. 70-11034); thence South 00 degrees, 04 minutes, 38 seconds East, a distance of 977.35 feet along the west line of said 36.08-acre tract; thence North 89 degrees, 38 minutes, 16 seconds East, a distance of 302.03 feet; along the south line of said 36.08-acre tract to the northwest corner of a 5.13-acre tract (Document No. 85-5455); thence South 00 degrees, 13 minutes, 32 seconds East, a distance of 1,335.77 feet, to a point on the south line of said Section 12, also being the centerline of Cook Road; thence South 89 degrees, 42 minutes, 12 seconds West, a distance of 340.33 feet along said south line; thence North 00 degrees, 01 minute, 51 seconds West, a distance of 661.26 feet along the east line of a 2.94-acre tract (Deed Book No. 512, Page 532); thence South 89 degrees, 32 minutes, 09 seconds West, a distance of 1,260.40 feet along the north line of said 2.94-acre tract and its westerly extension, to the Point of Beginning; containing 101.27 acres, more or less, and subject to rights-of-way and easements of record.

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That in the case of the Lincoln Village Annexation, it is the policy of the City of Fort Wayne to follow the provisions of Section 1.1 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana of 1974, as amended, with regards to the provision of non-capital and capital services to the annexation area.

SECTION 2. That it is the policy of the City of Fort

Wayne to follow the annexation fiscal plan for said described territory, as prepared by the Division of Community Development and Planning, which is attached hereto and incorporated herein.

SECTION 3. That said plan sets forth cost estimates of the services to be provided, the methods of financing these services, the plan for the organization and extension of these services, delineates the non-capital improvement services to be provided within one (1) year of annexation, the capital improvement services to be provided within three (3) years of annexation, and the plan for hiring employees of other governmental entities whose jobs will be eliminated by this annexation.

SECTION 4. That said plan is hereby approved and adopted by the Common Council of the City of Fort Wayne, Indiana, and shall be in full force and effect upon the effective date of the Lincoln Village Annexation Ordinance.

Charles B. Redd  
Councilmember

Read the third time in full and on motion by Redd, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Eight

Bradbury, Burns, Eisbart, Henry, Redd,  
Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: One

GiaQuinta

DATE: 6-24-86

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Resolution No. R-52-86 on the 24th day of June, 1986.

ATTEST: (SEAL)

Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of June, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 26th day of June, 1986, at the hour of 10:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
Mayor

BILL NO. S-86-05-49 (Eight Amendments)

SPECIAL ORDINANCE NO. S-LOST

AN ORDINANCE to provide for Collective Bargaining with respect to employees of the City of Fort Wayne, Indiana

WHEREAS, the City has previously committed itself to Collective Bargaining with its employees as so stated in a prior ordinance cited now as Section 20-16(d) of the Municipal Code of the City of Fort Wayne, Indiana. This provision of the Municipal Code applies to all City employees and provides as follows:

"It is the policy of the City of Fort Wayne, Indiana to ensure meaningful and conscientious Collective Bargaining which results in fair and equitable wages for all employees of the City."

WHEREAS, such commitment to Collective Bargaining is further evidenced by the fact that the city recognizes and has had labor agreements with nine different labor organizations, three of which operate in the Public Safety sector and six unions which operate in the non-safety sector, those unions being: Firemen and Oilers; International Association of Machinists and Aerospace Workers; International Brotherhood of Electrical Workers; International Union of Operating Engineers; Teamsters Local of IB of TCW&H; and Office and Professional Employees International Union; and

WHEREAS, each such labor organization, as herein referred to, has or has had a signed labor agreement with the City which provides for: A defined Bargaining Unit of representation; Grievance and Negotiation procedures; and all other Bargainable matters with respect to terms and conditions of those employees represented by each labor organization; and

WHEREAS, the City has and continues to Bargain Collectively with each such labor organization with respect to terms and conditions of employment, including wages, regarding the employees that each such labor organization represents; and

WHEREAS, each labor agreement as executed by and between the City and each respective labor organization provides for mutually agreed upon administrative steps to settle disputes as to contractual interpretations, these administrative steps including the right to arbitration over contractual disputes; and

WHEREAS, State Law requires that wages for all City employees be ultimately approved by the Common Council; and

WHEREAS, each such Labor Agreement requires good faith

bargaining and negotiations with respect to the establishment of terms and conditions of employment including wages; and

WHEREAS, the City and the Common Council are desirous of reconfirming and codifying the City's commitment to Collective Bargaining and negotiations with its employees in a fashion that is fiscally responsible, reasonable, fair and equitable to the public and the employees of this City.

NOW, THEREFOR, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. Reference. This Ordinance may be cited and referred to as the City Employee's Collective Bargaining Ordinance.

SECTION 2. Policy. It is hereby declared to be the public policy of the City of Fort Wayne, Indiana:

- A. That the City should recognize each labor organization as selected by the majority of employees in an appropriate unit, and that such organization should have the right to bargain collectively in their respective member's behalf.
- B. That a reasonable, fair and equitable method of settling disputes between City employees and the City of Fort Wayne, Indiana should be established in the public interest.

SECTION 3. Application. This Ordinance shall apply to all non-confidential non-supervisory, and non-exempt positions of the City and its Utilities (other than public safety employees of the City) who are presently represented by labor organizations or who subsequently desire to be so represented. For purposes hereof "public safety" employees shall be police and fire employees who are covered by separate local legislation.

SECTION 4. Definitions. As used in this Ordinance, the following terms shall have the following meanings, unless the context requires a different interpretation:

- A. The term "City" shall mean the City of Fort Wayne, Indiana and those officially designated person(s) by the Mayor, who shall act on behalf of the City on all factors.
- B. The term "Factors" shall mean wages, hours of employment, fringe benefits and working conditions.
- C. The term "Exclusive Representative" shall mean the labor organization selected by the majority of employees in an appropriate unit to represent them

as to wages, hours of employment, fringe benefits and working conditions.

SECTION 5. Rights of Employees. City employees shall have the right to form, join, or assist employee organizations, to participate in Collective Bargaining with the City through representatives of their own choosing and to engage in all other legal activities, individually or in concert, for the purpose of establishing, maintaining, or improving terms and conditions of employment, or other factors. The representative labor organizations shall be selected by the majority of employees in an appropriate unit. The unit shall be recognized as the exclusive representative, unless and until such recognition is withdrawn by a vote of majority of employees in the unit. All elections shall be by secret ballot. Further, no City employee shall, as a condition of employment be required to become a member of his or her appropriate bargaining unit. However, in lieu of such membership, said employee shall pay the respective bargaining unit a representation fee as determined by each Collective Bargaining Agreement.

SECTION 6. Payroll Deduction of Employee' Organization Fees. The City shall, upon written receipt of the authorization of a City employee, deduct from the pay of that employee any fee designated or certified by the appropriate office of an employees' organization, and shall remit those fees to the employee's organization.

SECTION 7. Unfair Labor Practices.

- A. It shall be an Unfair Labor Practice for the City to:
  - (1) Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in this Ordinance;
  - (2) Dominate, interfere with, or assist in the formation or administration of any employees' organization or contribute financial or other support to it;
  - (3) Discriminate in regard to hiring or conditions of employment, to encourage or discourage membership in any employees' organization;
  - (4) Discharge or otherwise discriminate against an employee because he has filed a complaint, affidavit, petition or given any information or testimony for the purpose of Collective Bargaining or of the adjustment of grievances;



- 402
- (5) Refuse to Bargain Collectively in good faith with an exclusive representative;
  - (6) Breach a Collective Bargaining Agreement;
  - (7) Fail or refuse to comply with any provision of this Ordinance.

B. It shall be an Unfair Labor Practice for any Bargaining Unit, or its agents, or any City Employee to:

- (1) Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in this Ordinance;
- (2) Retrain, coerce, or otherwise interfere with City employees in their selection of agents to represent them in Collective Bargaining negotiations or the settlement of grievances;
- (3) Cause or attempt to cause the City to discriminate against an employee;
- (4) Discriminate against any public employee whose membership in an employee organization has been denied or terminated for reasons other than failure to pay membership dues;
- (5) Refuse to bargain collectively in good faith with an employer, provided it is the exclusive representative;
- (6) Breach a Collective Bargaining Agreement;
- (7) Fail or refuse to comply with any provision of this Ordinance.

C. The following procedures, rights and remedies shall apply to Unfair Labor Practices:

- (1) If either the City or a bargaining unit feels the other has committed an Unfair Labor Practice as herein provided, they shall follow the terms and conditions of their labor agreements, if any, with respect to allegations of Unfair Labor Practices. Any allegation of an Unfair Labor Practice shall be made in writing and delivered to the respective party. Upon delivery of any such written allegations, and to ensure effective resolution of those allegations, the following negotiation procedure shall be utilized:
  - (A) To initially commence an Unfair Labor Practice Negotiation, the parties shall follow the terms and conditions of their labor agreement, if any, with respect to notifications regarding the intent and desire to negotiate allegations of Unfair Labor Practices. The parties shall meet and negotiate in good faith at all negotiation meetings required under such labor agreement. This requirement to initially meet and negotiate shall include three (3) mandatory Unfair Labor Practice Negotiation sessions to take place within thirty (30) calendar days after written allegation of Unfair Labor Practice has been received;
  - (B) If after exhaustion of Step (A) above, the parties have not reached an agreement as to the resolution of the allegation of Unfair Labor Practices on the part of the other, the parties will still be obligated to meet and negotiate in good faith. In that regard, the parties shall be required to have at least two (2) additional Unfair Labor Practice Negotiation sessions within a fourteen (14) calendar day period after the ending of the thirty (30) day period referenced in subparagraph (A) above;

(C) If an impasse still exists after Steps (A) and (B) above, the parties shall continue to confer and meet for purposes of resolving allegations of Unfair Labor Practices, and the parties shall utilize a three (3) member panel mediation committee. The three (3) member panel shall be appointed as follows:

A representative designated by the mayor, such representative not previously involved in the Collective Bargaining process with the City and the Union in question;

A representative designated by the Union, such representative not previously involved in the Collective Bargaining process with the City and the Union in question.

And a mediator from the Federal Mediation and Conciliation Service.

Members of the panel shall service without compensation. The three (3) member panel shall perform mediation functions between the parties and shall be utilized to define the

differences between the parties; their respective positions; and to evaluate each such position and make recommendations as to a fair and just settlement.

The three (3) member panel shall have the right to meet with either side alone or with both sides and further require meetings between the parties for purposes of resolving allegations of Unfair Labor Practices. Such mediation process under this subparagraph (C) shall occur for a period of thirty (30) calendar days.

The time limits, and other requirements as referenced in subparagraphs (A), (B), and (C) may be altered or changed by mutual agreement of the City and the appropriate bargaining unit.

- (2) After completion of Steps (A), (B), and (C) as set out above, and allegations of Unfair Labor Practices are yet unresolved, both parties are urged to continue negotiations in hopes of reaching a settlement. Unless time limits are mutually extended by the parties as contained in this section, each shall have the following rights:
- (3) If after, the exhaustion of Steps (A), (b), and (C) above, either the City or the bargaining unit still contends that the other party has committed an Unfair Labor Practice, the City shall have the right to terminate the existing labor agreement, and the bargaining unit shall have the right to engage in an Unfair Labor Practice Strike. Such strike must be duly sanctioned by the bargaining unit and any and all such picketing associated with the strike shall be off work premises. The right to such strike shall not include a right to a slow down at work, but rather an Unfair Labor Practice Striker shall be required to leave work. Appropriate rules governing strikes and picketing with respect to peacefulness and access to City property and private property shall be observed. Unfair Labor Strikers can neither be discharged nor permanently replaced, absent serious misconduct on their part. Unfair Labor Strikers shall be entitled to have their jobs back even if employees hired to their work have to be discharged; provided the City is found by an

arbitrator to have been guilty of an Unfair Labor Practice.

- (4) The matter of an allegation of an Unfair Labor Practice as herein provided shall be submitted by the charging party to an arbitrator as provided by the Federal Mediation and Conciliation Services. Upon submission of a charge by one party that an Unfair Labor Practice has occurred, the other party shall immediately and fully cooperate in selecting an arbitrator as soon as possible.
- (5) The arbitrator shall have the right to determine whether or not an Unfair Labor Practice has occurred, and if so found, the arbitrator shall have the ability to select the appropriate remedy, including, but not limited to, the issuance of a cease and desist order, back pay, reinstatement and/or damages. In the event an arbitrator finds that an Unfair Labor Practice has occurred, the guilty party shall be required to pay all costs of arbitration, which shall be defined as arbitrator's fees (if any); court reporter fees; and any facilities rental if not arbitrated on City premises. On the other hand, if no such charge is found by the arbitrator, the charging party shall so be responsible for paying the costs.
- (6) The finding of an Unfair Labor Practice on the part of the City by an arbitrator shall end an Unfair Labor Practice Strike and shall entitle Unfair Labor Strikers to their jobs back as set out above. The finding of an Unfair Labor Practice on the part of the bargaining unit shall confirm the termination of the labor agreement by the City. The finding of no Unfair Labor Practice on the part of the City shall immediately end the Unfair Labor Practice Strike and the right of all Unfair Labor practice strikers to have their jobs back as herein provided shall be forfeited. The findings of no Unfair Labor Practice on the part of the bargaining unit shall require the City to reinstate the labor agreement previously terminated.
- (7) Either party shall have the right to forego its rights under paragraph 3, and immediately submit a charge of Unfair Labor Practice to an arbitrator as herein provided. Either

party shall have a period of six (6) months from the date of an occurrence to exercise its rights under this section. If such rights are not exercised within six (6) months, the charging party shall be barred from exercising those rights at a later date. In the event, however, either party does exercise its rights under paragraph 3 above, the ultimate question of whether there has been an Unfair Labor Practice shall be submitted to an arbitrator as provided herein at such time as those rights to an Unfair Labor Strike by the bargaining unit or to terminate the labor agreement by the City are exercised.

SECTION 8. Duties and Negotiation Process. It shall be the obligation of the City and the applicable Bargaining Units to meet and bargain in good faith for Collective Bargaining purposes. The obligation to bargain in good faith shall include the duty to cause any agreement, resulting from such negotiations, to be reduced to writing. A contract may also contain a grievance procedure culminating in final and binding arbitration on unresolved grievances, but such binding arbitration shall have no power to amend, add to, subtract from or supplement provisions of the contract; provided, however, that the terms of any such contract in writing shall not exceed three (3) years. The person(s) designated by the Mayor to represent the City are hereby authorized to conduct all negotiations. Persons so designated shall not be elected government officials. The Mayor shall keep the Common Council informed at regular intervals of the progress of negotiations. To ensure effective Collective Bargaining, as much as is possible, and to further expedite the Collective Bargaining process the following negotiation procedure shall be utilized.

(A) To initially commence Collective Bargaining the parties shall follow the terms and conditions of their labor agreement with respect to notifications regarding the intent and desire to negotiate. The parties shall attend and Collectively Bargain in good faith at all negotiation meetings that may be required under each such Collectible Bargaining Agreement. This requirement to initially meet and negotiate shall include three (3) mandatory Collective Bargaining sessions between the parties, such meetings all to take place within thirty (30) calendar days after initial notification as provided by one party to the other concerning the commencement of Collective Bargaining;

(B) If after exhaustion of Step (A) above, the parties have not reached an agreement, the parties will still be obligated to bargain in good faith. In that regard the parties shall be required to have at least two (2)

bargaining sessions within a fourteen (14) calendar day period after the ending of the thirty (30) day period referenced in subparagraph (A) above;

(C) If impasse still exists after Steps (A) and (B) above, then the parties shall continue to confer and meet for the purposes of Collective Bargaining and the parties shall utilize a three (3) member panel mediation committee. The three (3) member panel shall be appointed as follows:

A representative designated by the mayor, such representative not previously involved in the Collective Bargaining process with the City and the Union in question;

A representative designated by the union, such representative not previously involved in the Collective Bargaining process with the City and the Union in question;

And a mediator from the Federal Mediation and Conciliation Service.

Members of the panel shall serve without compensation. The three (3) member panel shall perform mediation functions between the parties and shall be utilized to define the differences between the parties; their respective positions; and to evaluate each such position and make recommendations as to a fair and just settlement. The matters, among others, to be given weight by the mediation panel in arriving at a decision shall include:

- (1) Comparison of factors in respect to City Departments with similar and like factors prevailing in other Second Class cities in Indiana;
- (2) The interest and welfare of the public;
- (3) Comparison of peculiarities of employment in regard to other trades or professions, in particular:

- (a) Hazards of employment
  - (b) Physical qualifications
  - (c) Educational qualifications
  - (d) Mental qualifications
  - (e) Job training and skills
- (4) Such other matters as the mediation panel may deem pertinent or relevant.

The three (3) member panel shall have the right to meet with either side alone or with both sides and further require meetings between the parties for purposes of Collective Bargaining. Such mediation process under this subparagraph (C) shall occur for a period of thirty (30) calendar days.

The time limits and other requirements as referenced in subparagraphs (A), (B) and (C) may be altered or changed by mutual agreement of the City and the appropriate Labor Organization. The requirements to bargain and negotiate as herein referenced in this Section 8 shall not impose upon either side the duty to bargain over issues that are part and parcel of a Collective Bargaining Agreement that have not expired.

In addition, during Steps (A), (B) and (C) both parties shall adhere to the terms and conditions of the Collective Bargaining Agreement even though same may have expired on its face. That is, such agreement shall be deemed to be in full force and effect during Steps (A), (B) and (C) and the City shall not have the right to terminate the agreement during such period nor the right to unilaterally change the terms and conditions thereof including the payment of wages. Likewise, the Union shall be obligated to follow the terms and conditions of the appropriate Collective Bargaining Agreement during such Steps.

**SECTION 9. Economic Recourse.** After completion of Steps (A), (B) and (C), as contained in Section 8 above and an impasse still exists, both parties are urged to continue Collective Bargaining in hopes of reaching a settlement. Unless time limits are mutually extended by the parties, each party shall have rights as contained in this Section 9. Either party shall have the right to terminate the Collective Bargaining Agreement by serving written notice upon the other with a copy of same being given to the three (3) member panel. Such notice shall indicate that the notifying party is desirous of terminating the labor agreement, specifying in the notice the date upon which termination shall occur, such date being no less than seven (7) days from date of giving notice. During this seven (7) day period, the parties shall meet and confer. In addition, the three (3) member panel shall have the right within such seven (7) day period or other longer notice period, if so provided, to require the parties to meet and negotiate one (1) additional time within the notice period. Upon the lapsing of the notice period the Union may resort to appropriate economic recourse including but not limited to the right to strike. Such strike must be duly sanctioned by the labor organization and any and all such picketing associated with the strike shall be off work premises. The right to strike shall not include a right to a slow down at work, but rather employee shall be required to leave work. Appropriate rules governing strikes and picketing with respect to peacefulness; access to City property; and private property shall be observed. In the event a labor organization is terminated as herein provided, the City shall no longer, at its option, be bound by the labor agreement.

The City employees shall have the right to engage in the right to strike. If the object of a strike is to obtain from the City some economic concession, such as higher wages, shorter hours, or better conditions of employment, the strike shall be called an Economic Strike. They retain their status as employees and cannot be discharged, but they can be replaced by the City. If the City has hired bona fide permanent replacements who are filling the jobs of the economic strikers when the strikers apply unconditionally to go back to work, the strikers are not entitled to reinstatement at that time. However, if the strikers do not obtain regular and substantially equivalent employment, they are entitled to be recalled to jobs for which they are qualified when openings in such jobs occur if they, or their bargaining representative, have made an unconditional request for their reinstatement. If an offer to return has been rejected, the workers lose their entitlement to be subsequently recalled to jobs for which they are qualified.

If a Mediator or Judge finds that Economic Strikers or Unfair Labor Practice Strikers who have made an unconditional request for reinstatement have been unlawfully denied reinstatement by the City, the Mediator or Judge may award such strikers backpay starting at the time they should have been reinstated.

SECTION 10. Severability. If any term or provision of this Ordinance is deemed to be unenforceable, illegal or unconstitutional or otherwise invalid as so deemed by a Court of competent jurisdiction, then the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 11. Common Council Approval. Notwithstanding anything herein to the contrary, all decisions in regards to annual pay and monetary fringe benefits shall be subject to approval by the Common Council, in accordance with Budgetary Guidelines, as provided by I.C. 36-4-7-3.

SECTION 12. Effective Date. This Ordinance shall be in full force and effect commencing September 1, 1986, assuming same has been passed by the Common Council and duly approved by the Mayor; provided, however, that this Ordinance shall apply only to those bargaining units who have signed contracts with the City by that date. Once a bargaining unit has signed a contract, it is covered by this Ordinance.

Ben A. Eisbart  
Councilmember

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. LOST by the following vote:

AYES: One

Burns

NAYS: Eight

Bradbury, Eisbart, GiaQuinta, Henry, Redd,  
Schmidt, Stier, Talarico

ABSTAINED: None

ABSENT: None

DATE: 6-24-86

Sandra E. Kennedy  
City Clerk

AMENDMENTS TO ORDINANCE MAY BE REVIEWED IN THE OFFICE OF THE CITY CLERK



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**A. E. Boyce Co. inc.**

300 EAST JACKSON STREET  
MUNCIE, INDIANA 47302  
PHONE 317/289 2233  
TOLL FREE 1-800-382-8702

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